



W.P.No.2749 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.2749 of 2022
and W.M.P.No.2911 of 2022**

V.R.Jayarama Murthy

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai-600 035.

2.The Executive Engineer and Administrative Officer,
Hosur Housing Unit,
Tamil Nadu Housing Board,
Hosur, Krishnagiri District-635 109.

3.The Manager,
Sales and Services,
Hosur Housing Unit,
Tamil Nadu Housing Board,
Hosur, Krishnagiri District-635 109.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorarified Mandamus, to call for the



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records relating to the impugned order dated 10.12.2019 made in Letter No.HR 11/716/1992 passed by the third respondent and to quash the same, consequently direct the respondents to execute and register the sale deed in respect of LIG Plot No.79 Phase VIII comprised in Survey Nos.327 pt and 326/1 pt in Hosur Village, Hosur Taluk, Krishnagiri District, measuring to an extent of original allotment of 38.45 square meter with additional purchase of land of 6 feet attached thereon within a stipulated time.

For Petitioner : M/s.V.Vargees Amal Raja
For Respondents : Mr.D.Veerasekaran

ORDER

This Writ Petition has been filed challenging the impugned Letter No.HR 11/716/1992 dated 10.12.2019 issued by the third respondent and for a direction to the respondents to execute and register the sale deed in respect of LIG Plot No.79 Phase VIII comprised in Survey Nos.327 pt and 326/1 pt situated in Hosur, Krishnagiri District, measuring to an extent of 38.45 square meter with additional purchase of 6 feet of land attached thereon.



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2. The learned counsel appearing for the petitioner submits that the petitioner was allotted with LIG Housing Plot No.79 Phase VIII comprised in Survey Nos.327 pt and 326/1 pt measuring to an extent of 38.45 square meter situated in Hosur, Krishnagiri District, on payment of Rs.45,725/- and the second respondent executed a sale deed dated 03.05.2011 in respect of Plot No.79. Since there is an excess land of 6 feet adjoining with the said plot, the petitioner has submitted a representation to the second respondent requesting to allot additional 6 feet of land and the second respondent orally directed the petitioner to pay a sum of Rs.35,000/- for allotting additional 6 feet of land and he has paid a sum of Rs.35,000/- to the second respondent. On receipt of the said amount, the second respondent has not taken any action for allotment of additional 6 feet of land and therefore, he has made a representation on 04.07.2007 requesting the second respondent to include the additional land along with the original allotment order of plot No.79 and the second respondent has sent a reply on 08.06.2011 informing the petitioner that the additional purchase of land of



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LIG Housing plot No.79 will be verified and since there is an administrative error occurred with the Department, it will be rectified as early as possible.

Thereafter, no further steps have been taken by the respondents and he made several representations to the second respondent to rectify the earlier sale deed by including the additional land. While so, the third respondent vide impugned letter 10.12.2019 rejected his request for allotment of additional land stating that the payment of Rs.35,000/- was credited under the category of difference of land cost for plot No.79 and no amount was received from the petitioner towards the allotment of additional land and further, there is no additional land existing adjacent to the said plot. Aggrieved over the same, the present writ petition has been filed.

3. The learned Standing Counsel appearing for the respondents would submit that admittedly, the allotment order was issued in favour of the petitioner with regard to Plot No.79 and the Housing Board has also executed a sale deed in favour of the petitioner on 03.05.2011 in respect of the said allotment, however, the petitioner has not paid any amount for



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allotting additional land and he has made a request for allotment of additional land. A sum of Rs.35,000/- was paid by the petitioner towards the difference of land cost for plot No.79 which cannot be construed that the said amount was paid by the petitioner for allotment of additional land. If the petitioner is prepared to pay the amount for acquiring additional land, the same will be considered.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. It is seen from the records that the petitioner was allotted with LIG Housing Plot No.79 Phase VIII comprised in Survey Nos.327 pt and 326/1 pt measuring to an extent of 38.45 square meter situated in Hosur, Krishnagiri District, on payment of Rs.45,725/-, for which, the second respondent has executed a sale deed dated 03.05.2011. The petitioner claims that he has paid a sum of Rs.35,000/- for allotment of additional land, whereas, the respondents claim that a sum of Rs.35,000/- paid by the



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petitioner was credited under the category of difference of land cost and a receipt No.50006 dated 28.05.2007 to that effect has been issued and they have mentioned nowhere about the allotment of additional land. Hence, the impugned Letter No.HR 11/716/1992 dated 10.12.2019 issued by the third respondent cannot be interfered with by this Court. However, liberty is granted to the petitioner to make an application before the respondents for allotment of additional land and if the additional land is allotted, the petitioner is directed to pay the cost for the same.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
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