



WEB COPY



W.P.No.10818 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.10818 of 2019

Premila Jayamohan

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Petitioner

Vs

1. The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Besant Nagar Division,
No.48, Dr.Muthulakshmi Salai,
Adayar, Chennai – 600 020.

2. Lalithakumari (Deceased)

3. C.K.Annamalai

4. Chitra Annamalai

5. Geetha Annamalai

(R3 to R5 are substituted as LR's

of the deceased R2 as per order

dated 01.02.2024 in WMP No.1841/2024)

Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the first respondent to execute the sale deed in respect the property bearing Door No.42, 9th Cross Street, Indira Nagar, Chennai – 600 020 measuring 1 ground and 975 sq.ft morefully described in the schedule hereunder, jointly in the name of the petitioner and the second respondent or execute the sale deed



W.P.No.10818 of 2019

in respect of 50% undivided share each in the property in favour of the petitioner and the second respondent.

For Petitioner : Mr.T.Sundar Rajan
For R1 : Mr.D.Veerasekaran
Standing Counsel
For R3 to R5 : No appearance

ORDER

This Writ Petition has been filed for a direction directing the first respondent to execute the sale deed in respect of the property which was originally allotted in favour of the petitioner's father-in-law.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent. Though notice has been served on the respondent 3 to 5, no one appeared before this Court either in person or through pleader.

3. The petitioner is the wife of Late.S.Jayamohan and the second respondent is the daughter of original allottee of one M.Subramaniam Pillai. The property, situated at Door No.42, 9th Cross Street, Indira Nagar, Chennai, admeasuring 1 ground and 975 sq.ft, was allotted by the first respondent in favour of the petitioner's father-in-law



W.P.No.10818 of 2019

viz., M.Subramaniam Pillai, by way of allotment order dated 02.04.1964

and by subsequent allotment order dated 18.03.1965. He died on 23.06.1976 leaving behind his wife, son and daughter, i.e., husband of the petitioner and the second respondent, as his legal heirs. Thereafter, the entire dues were paid by the legal heirs to the first respondent.

4. Pending writ petition, the second respondent also died and her legal heirs have been impleaded as respondents 3 to 5 herein. Due to inter dispute between the family members, the first respondent was not able to execute the sale deed in respect of the subject property in favour of the legal heirs of the original allottee Late M.Subramaniam Pillai.

5. A perusal of the counter filed by the first respondent reveals that on 21.04.1964, the first respondent issued the provisional allotment order for the tentative cost of Rs.5,625/- with the condition to pay the initial deposit amount of Rs.200/- within fifteen days from the date of receipt of the order. After the said payment, the first respondent, by an order dated 18.03.1965, directed the original allottee to pay cost of the building with interest at the rate of 5% per annum by way of monthly



W.P.No.10818 of 2019

installment within a period of twenty years. Thereafter, a lease-cum-sale agreement was executed in favour of the said M.Subramaniam Pillai by an order dated 29.04.1966 after remitting the final deposit. Thereafter, the subject property was handed over to him by the communication dated 20.02.1967. However, there was an arrear of Rs.5,234/- and the first respondent sent a communication dated 20.05.1989 to the deceased M.Subramaniam Pillai, thereby demanded a sum of Rs.5,234/- with interest and penal interest as on 31.05.1989. Thereafter, the legal heirs had paid the said amount and requested to execute the sale deed in favour of the petitioner's husband, who is one of the legal heir. However, there was an objection from the deceased second respondent not to execute any sale deed in favour of the petitioner's husband. Therefore, the petitioner's husband requested to execute the sale deed in their favour jointly or separately.

6. In view of the facts and circumstances of the case, the first respondent is directed to execute the sale deed in respect of the subject property in favour of the petitioner as well as the respondents 3 to 5 herein, who are the legal heirs of Late M.Subramaniam Pillai, by way of joint sale deed, within a period of two weeks from the date of receipt of



W.P.No.10818 of 2019

a copy of this order. It is made clear that the petitioner as well as the respondents 3 to 5 are directed to submit all original documents in respect of subject property as required by the first respondent. Further the respondents 3 to 5 failed to come forward to execute sale deed in their favour, the first respondent is directed to execute sale deed in respect of undivided 50% share of the subject property in favour of the petitioner.

7. With the above direction, this writ petition stands disposed of. No costs.

03.06.2024

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
Neutral Citation : Yes/No
Lpp

To
The Executive Engineer and Administrative Officer,
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Besant Nagar Division,
No.48, Dr.Muthulakshmi Salai,
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W.P.No.10818 of 2019

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Lpp

W.P.No.10818 of 2019

03.06.2024