



WEB COPY



W.P.No.10652 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.10652 of 2020

and

W.M.P.No.12945 of 2020

B.Ribbai

... Petitioner

Vs.

1. The Tamilnadu Housing Board,
Rep.by its Managing Director,
Nandanam, Chennai - 600 035.

2. The Executive Engineer,
The Tamil Nadu Housing Board,
Maharaja Puram, Villupuram,
Villupuram District.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, forbearing the respondents or their subordinates in any manner disturbing the peaceful possession and enjoyment of the petitioner's house property bearing Door No.41/A, Vallalar Nagar, Salamedu, Villupuram Taluk, Villupuram District - 605 602 more fully set out in the description of the property in the writ petition except by the due process of law.



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For Petitioner : Mr.S.C.Vishwanath
For Respondents : Mr.D.Veerasekaran,
Senior Counsel for TNHB.

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ORDER

The relief sought in the present writ petition is to forbear the respondents or their subordinates, in any manner, disturbing the peaceful possession and enjoyment of the petitioner's house property, bearing Door No.41/A, Vallalar Nagar, Salamedu, Villupuram Taluk, Villupuram District - 605 602 except by the due process of law.

2. The relief sought for is not entertainable in view of the fact that the subject property was acquired by the Government under the Land Acquisition Act 1894, in the year 1991 itself. The land acquired by the Government was allotted to the Tamil Nadu Housing Board for Development Schemes. The petitioner purchased the property from one Mr.Vijayarangam Pillai, vide sale deed dated 05.03.2009, after the acquisition of the land by the Government and therefore, the sale deed is not valid. More so, the land vest with the Government soon after the possession of the property was taken over by the Government.



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3. The learned counsel for the respondents states that the petitioner suppressed the vital facts during the year 2014. In view of the counter filed by the second respondent, the subject property was acquired and allotted to the Housing Board Schemes.

4. Considering the facts and circumstances of the case, the petitioner is not entitled for the relief as such sought for in the writ proceedings. If at all, the petitioner has been cheated by his vendor, he is at liberty to initiate appropriate action against the vendor who sold the property to the writ petitioner, knowing the fact that the land had already been acquired by the Government.

5. With this liberty, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.01.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)



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To

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S.M.SUBRAMANIAM. J.,

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