



W.P.No.16590 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.16590 of 2021 and
W.M.P.No.17577 of 2021**

Varusai Mohamed Farook Ali
S/o.Varusai Mohamed
Represented by Power Agent,
Varusai Mohamed
S/o.Sheik Mohamed

... Petitioner

Vs.

1.Tamil Nadu Housing Board,
Represented by its Executive Engineer/
Manager Marketing and Service,
Coimbatore Housing Unit,
Coimbatore - 12.

2.The Executive Engineer and
Administrative Officer, (Inc)
Coimbatore Housing Unit,
Tatabad, Coimbatore - 641 012.

3.D.Tamilarasi

4.Ameer Hussain
S/o.S.M.Habibullah



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5.Shahul Hameed
S/o.Abdul Salam

6.S.Abbas Ali
S/o.Sadakathullah

7.The Sub Registrar,
Thottipalayam, Tirupur.

8.The District Registrar,
Tirupur.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 and 2 to take action against respondents 3 to 6 for the bogus and fraudulent sale transactions in respect of the Flat No.MIG.484, Muthalipaalayam, in S.No.364/1, S.F.No.394, Muthalipaalayam Scheme, Coimbatore Housing Board Unit, as per the proceedings of the second respondent dated 05.10.2020 in Letter No.A2/484/2011 and to execute sale deed in respect of the above said property in favour of the petitioner.

For Petitioner : Mr.N.R.Nissar Hussain
For Respondents : Mr.D.Veerasekaran
Standing Counsel for [R1 & R2]
No appearance [R3, R4 & R5]
Mr.J.Franklin [R6]

ORDER

This writ petition has been filed to direct the respondents 1 and 2 to take action against the respondents 3 to 6 for the bogus and fraudulent sale transactions in respect of the Flat No.MIG.484, Muthalipaalayam, in



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S.No.364/1, S.F.No.394, Muthalipaalayam Scheme, Coimbatore Housing Board Unit, as per the proceedings of the second respondent dated 05.10.2020 in Letter No.A2/484/2011 and to execute sale deed in respect of the above said property in favour of the petitioner.

2. The case of the petitioner is that he was allotted Flat No.MIG.484, Muthalipaalayam and lease-cum-sale agreement was executed in his favour and he had paid the entire amount to the Housing Board under the lease-cum-sale agreement. The petitioner was given possession certificate on 24.01.2020. When he applied for encumbrance certificate on 16.12.2019 for registration of sale deed, there was no encumbrance. While so, the second respondent vide proceedings dated 20.12.2019 stated that the above said MIG 484 had been allotted to the petitioner, but however seems to have been delivered to the third respondent and directed the third respondent and the petitioner to appear for enquiry along with all documents such as allotment, payment etc on 06.01.2020. On the date of enquiry, the petitioner appeared and submitted all documents and sought for execution



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of sale deed in his favour. The third respondent also appeared in the enquiry and submitted that she had not obtained any allotment order or made payment and that the sale deeds in her favour had purported have been executed by her in favour of third parties have been fabricated.

3. In the meanwhile, the second respondent vide proceedings dated 05.10.2020 sought for clarification from the Sub Registrar, Thottipalayam and informed that, on receipt of the same, proper action shall be initiated. Since nothing moved further, the petitioner made a representation on 21.06.2021 seeking the respondents 1 and 2 to take action against the respondents 3 to 6 for the bogus and sale transaction in respect of the property as per the proceedings dated 05.10.2020 and to execute the sale deed in respect of the above said properties in favour of the petitioner. Since no action has been taken, the present petition has been filed.

4. The learned counsel appearing for the petitioner submitted that this Court would issue direction to the second respondent to conduct



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enquiry pursuant to the proceedings dated 05.10.2020 and conclude the same after providing to the petitioner as well as the respondent within a stipulated period.

5. The learned Standing Counsel appearing for the respondents 1 and 2 would submit that the proceedings dated 05.10.2020 will be implemented within the time frame that may be fixed by this Court.

6. Admittedly the petitioner was allotted Flat No.MIG.484 and lease-cum-sale agreement was executed in his favour as he had paid entire amount to the Housing Board. Pursuant to no encumbrance certificate obtained by the petitioner on 16.12.2019, the petitioner was also given possession certificate on 24.01.2020 by the Surveyor of the Coimbatore Housing Board. All of a sudden by proceedings dated 20.12.2019, the second respondent seems to have stated that the said Flat No.MIG.484 have been delivered to the third respondent and asked the petitioner to appear for enquiry along with all documents. The petitioner though submitted all the



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documents and the payment proof to the Housing Board on the date of enquiry i.e., on 06.01.2020, the second respondent vide proceedings dated 05.10.2020 has informed that they have sought for clarification from the Sub Registrar, Thottipalayam. This Court finds that there has been no action on the part of the respondents pursuant to the enquiry except the proceedings dated 05.10.2020, wherein they have stated that the clarification has been sought for from the Sub Registrar. Hence, this Court is inclined to issue a direction to the second respondent to implement the proceedings dated 05.10.2020 by considering the representation of the petitioner dated 21.06.2021 within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.08.2024

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

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