



WEB COPY



W.P.No.20470 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.20470 of 2021

M.Sandhya

...Petitioner

-Vs-

1.The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandhanam,
Chennai-600 035.

2.The Allotment Service Manager,
Korattur Division,
Tamil Nadu Housing Development Borad,
Ashok Nagar commercial complex,
Ashok Nagar, Chennai- 600 083.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus to direct the 2nd respondent to consider the petitioner's representation dated on 15.03.2021 and to provide sale deed in the name of M.Sandhya who is the allottee of M.I.G.Plot No.282 of Tamil Nadu Housing Board, Melamaiyur, Chengalpattu in pursuant of 2nd respondent's letter No.E4/1601/85 dated 08.03.1999 to the petitioner.

For Petitioner : Mr.P.Saravanan
For Respondents : Mr.D.Veerasekaran
Standing Counsel



W.P.No.20470 of 2021

ORDER

This Writ Petition has been filed for a direction directing the respondents to register the sale deed in favour of the allottee, viz., Sandya.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is the power of attorney holder of M.Sandhya, W/o.Ravi Kumar. She was allotted a Plot admeasuring 1000 sq.ft. comprised in survey No.256/1 situated at 228, N.N.Melamaiyur, N.G.G.O. Nagar, Chengalpattu by an allotment order dated 30.05.1985. Accordingly, as per the allotment order, the total sale consideration was fixed at Rs.28,000/- and the initial deposit has to be paid at Rs.9,000/- and the balance cost of Rs.19,000/- was payable by monthly instalments for a period of ten years with interest at the rate of 13% per annum. The monthly instalment comes to the tune of Rs.274/-.

4. A perusal of the counter filed by the second respondent and the submission made by the learned Standing Counsel appearing for the respondents reveals that the original allottee failed to pay the monthly instalments after few months. As per the terms and conditions of the lease-cum-



W.P.No.20470 of 2021

sale agreement, the flat remains the property of the Tamil Nadu Hosuing Board till clearance of all the outstanding payments. According to the second respondent, the original allottee has to pay the outstanding amount of Rs.1,90,958/- as on 29.02.2024 as per the records. If the original allottee comes forward to clear the outstanding arrears, the second respondent is ready to execute the sale deed in favour of the original allottee. If the sale deed executed in favour of the power of attorney, as per the Board circular dated 22.09.2007, the following conditions have to be fulfilled by the power of attorney.

“1. The power of attorney should be registered in the Sub Registrar Office.

2. The Life Certificate of the allottee has to be obtained from the Tahsildar or Authorised Medical Officer.

3. The Undertaking affidavit should be given by the original allottee and the power holder individually in the 20 Rupees Stamp Paper and the same has to be notiarized with their photo and signature.

4. The copy of Nativity Certificate.

5. The copy of Ration Card and the proof of identity.”

5. In view of the above, if the allottee pays the entire amount as calculated by the second respondent with interest till the final payment, the



W.P.No.20470 of 2021

second respondent is directed to execute the sale deed in favour of the original allottee or to her power of attorney by fulfilling the above said conditions within a period of four weeks from the date of final payment.

6. With the above direction, this writ petition stands disposed of.

No costs.

22.04.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

Lpp

To

1.The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandhanam, Chennai-600 035.

2.The Allotment Service Manager,
Korattur Division,
Tamil Nadu Housing Development Borad,
Ashok Nagar commercial complex,
Ashok Nagar, Chennai- 600 083.

G.K.ILANTHIRAIYAN. J.

Lpp



WEB COPY



W.P.No.20470 of 2021

W.P.No.20470 of 2021

22.04.2024