



WEB COPY



W.P.No.19853 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM:

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

W.P.No.19853 of 2022

J.Lakshmipriya

... Petitioner

-Vs-

1. The Tamil Nadu Housing Board,
represented by its Chairman and Managing Director,
Annasalai, Nandanam,
Chennai – 600 035.

2. The Tamil Nadu Urban Habitat
Development Board,
represented by its
Managing Director
(Formerly known as Tamil Nadu
Slum Clearance Board)
Kamarajar Salai, Chennai – 5.

3. C.Janakiramann

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent herein to issue sale deed in respect of Plot No.16/C, Masthan Thottam, Model Hutmen Road, C.I.T. Nagar, Nandanam, Chennai - 35 in the name of the petitioner based on the petitioner's representation dated 18.03.2022, followed by a reminder dated 13.04.2022 within a time stipulated by this Hon'ble Court.



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For Petitioner	: Mr.M.Balasubramanian
For R1	: Mr.D.Veerasekaran Standing Counsel
For R2	: Mr.S.Karthikeyan Standing Counsel
For R3	: No appearance

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the second respondent herein to issue sale deed in respect of Plot No.16/C, Masthan Thottam, Model Hutmen Road, C.I.T. Nagar, Nandanam, Chennai - 35 in the name of the petitioner based on the petitioner's representation dated 18.03.2022, followed by a reminder dated 13.04.2022 within a time stipulated by this Hon'ble Court.

2. Heard the learned counsel appearing for the petitioner, the Standing Counsel appearing for the first and second respondents. Though notice served on the third respondent and the name has been printed in the cause list, today, no one appeared before this Court on behalf of the third respondent either by person or through pleader.

3. The petitioner's mother Kalaivani got married with the third respondent



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herein and gave birth to the petitioner, on 29.09.1996. Thereafter, the third respondent had relationship with one Saraswathi, who is a Teacher and also got married in the year 1998. The said Saraswathi got promotion and retired from service as Head Mistress. The third respondent gave birth to two sons and one daughter through second wife. The two sons are employed in abroad and the daughter also got married and living separately. The third respondent is residing with the second wife in different place. The third respondent is also a retired employee from the housing board and he is receiving pension. While the petitioner's mother was alive, she had applied for housing quarters, on 22.04.1995 and she was allotted with the subject property by the allotment order dated 09.05.1995. As per the conditions, the petitioner's mother had paid the entire sale consideration. Unfortunately, when the sale deed was about to be executed in her favour, she died due to road accident on 09.09.2005. At that time, the petitioner was minor and after attaining majority, the petitioner is looking after the subject property by renting out to third party through his maternal uncle.

4. A perusal of the counter filed by the first respondent revealed that after allotment, the entire land has been handed over to the second respondent.



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Therefore, the second respondent has to execute the sale deed in respect of the subject property. In fact, the first respondent also issued No Objection Certificate in favour of the petitioner for execution of sale deed in her favour.

5. The learned counsel for the second respondent submitted that if the petitioner produce the No Objection Certificate, the sale deed will be executed in favour of the legal heirs of the deceased Kalaivani.

6. As stated supra, the petitioner is the sole daughter of the deceased Kalavani. Immediately, after giving birth to the petitioner, the third respondent who is being father of the petitioner, left the petitioner and her mother and got married with one Saraswathi in the year 1998. Thereafter, he gave birth to two sons and one daughter through second wife. That apart, now he is residing with the second wife and also drawing pension. Therefore, the petitioner, being the sole daughter is entitled to get the sale deed in her favour.



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7. In view of the above, the second respondent is directed to execute the sale deed in favour of the petitioner in respect of Plot No.16/C, Masthan Thottam, Model Hutmen Road, C.I.T. Nagar, Nandanam, Chennai – 35, within a period of four weeks from the date of receipt of a copy of this order, without insisting No Objection Certificate from the first respondent. It is made clear that the first respondent has no objection to execute the sale deed in favour of the petitioner by the second respondent, since the entire land has been now vested with the second respondent.

8. Accordingly, this writ petition is allowed. There shall be no order as to costs.

28.06.2024

Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J.

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To

1. The Chairman and Managing Director,
The Tamil Nadu Housing Board,
Annasalai, Nandanam,
Chennai – 600 035.
2. The Managing Director,
The Tamil Nadu Urban Habitat
Development Board,
(Formerly known as Tamil Nadu
Slum Clearance Board)
Kamarajar Salai, Chennai – 5.

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