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W.P.No.23165 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 13.09.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.23165 of 2022

A.Chandra

... Petitioner

Vs.

1. The Tamilnadu Housing Board,
Executive Engineer (Administrative Office),
Anna Nagar, Chennai 600 101.
2. The Executive Engineer,
Self Sufficiency House Plot Scheme Division-II,
Tamilnadu Housing Board, C-48,
2nd Avenue, Annanagar, Chennai 600 040.
3. The Manager-Marketing & Service,
Annanagar Division, Tamilnadu Housing Board,
Chennai 600 040.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India seeking for issuance of writ of Mandamus, directing the third respondent to execute the sale deed in petitioner's name for the plot No.6/44, EWS-A Type, Manali Phase-II, Scheme by considering her representation dated 06.06.2022.

For Petitioner : Mr.M.Karthikeyan

For Respondents : Mr.D.Veerasekaran, Standing Counsel
for respondents



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This writ petition has been filed seeking direction to the third respondent to execute the sale deed in the name of petitioner with regard to the plot No.6/44, EWS-A Type, Manali Phase-II, Scheme by considering her representation dated 06.06.2022.

2. Learned counsel for the petitioner submitted that the second respondent allotted a Plot No.6/44, EWS-A Type, in Manali Phase-II Scheme in the name of petitioner's husband, namely G.Anandan, vide order dated 21.05.1995. As per the conditions, as stipulated in the allotment order, the petitioner's husband paid the amount and subsequently, he passed away on 26.08.2011. Further, the mother-in-law of the petitioner also died on 01.04.2014. Thereafter, the petitioner approached the respondent to execute the sale deed. As per the direction of the respondent, she paid Rs.60,000/- towards registration fees in two instalments, at Rs.30,000/- on 28.03.2019 and 16.04.2019. Further, she also produced the no objection certificate given by her son and the legal heirship certificate of her deceased husband. However, the respondent has not registered the sale deed in favour of the petitioner, despite her representations dated 20.11.2018 and 12.02.2020. Thereafter, the petitioner made another representation dated 06.06.2022



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to the respondents, however, no response from them. Hence this writ petition.

3. Learned standing counsel appearing for the respondents submitted that, there was a due payable by the legal heirs of the deceased with regard to the allotment of the subject matter of the plot. He further submitted that, neither the allotment documents nor the receipt for the initial payment is available with the petitioner, however, till now, allotment of subject matter of the plot was not cancelled by the board. He also stated that if the petitioner produces necessary payment receipts and documents, as required by the Board, the representation of the petitioner will be considered by the board and appropriate orders will be passed.

4. Considering the submission made by the learned counsel for the petitioner and the respondent, this court is inclined to dispose of the writ petition, by directing the petitioner to produce all the necessary documents, including legal heirship certificate, no objection certificate and payments receipts to the respondent Board as required by them. On receipt of such documents, the second and third respondents are directed to consider the representation of the petitioner and pass appropriate



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orders, on merits and in accordance with law as early as possible, within a period of four weeks from the date of receipt of a copy of this order.

5. The Writ petition is disposed of accordingly. There shall be no order as to costs.

13.09.2024

mst

Index : Yes / No

Internet: Yes/No

To

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M.DHANDAPANI, J.

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