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W.P.No.28093 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.28093 of 2022

T. S. Nagarajan

.. Petitioner

Versus

1.The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam, Chennai – 600 035.

2.The Executive Engineer,
Besant Nagar Division,
Tamil Nadu Housing Board, Adyar, Chennai – 600 020.

3.The Sub Registrar,
O/o. Saidapet Sub Registrar,
Saidapet South Madras, Chennai – 600 015.

4.Mrs. Vidhya Sharma

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the first respondent to dispose of representation dated 15.07.2022 sent on behalf of the petitioner's principle T.S. Nagarajan in accordance with law.

For Petitioner : Mr. M. Vijay Anand

For Respondents : Mr. D. Veerasekaran, Senior Counsel, (for R1 & R2)
: Mr. L.S.M. Hasan Fizal,(for R3)
Additional Government Pleader
: Mr. N. Senthilkumar, (for R4)



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ORDER

This Writ Petition has been filed seeking a direction to the first respondent to dispose of the representation dated 15.07.2022 sent on behalf of the petitioner in accordance with law.

2. Originally the property in question was allotted to the petitioner's mother, by name Chanbakam. Mrs. Chanbakam had five children out of which, three of them died, namely, Malathy Balakrishnan, T.S. Swaminathan and Geetha Jaffar Hussain on 08.02.2022, 20.10.2013 and 20.08.2022 respectively. The said Chanbakam, mother of the petitioner executed a Will in favour of the petitioner's daughter by name, Priya Nagarajan during in her life time on 18.11.1984. Thereafter, the petitioner settled in U.S.A along with his daughter. While so, the fourth respondent/Mrs. Vidhya Sharma, obtained an allotment order copy based on which, the second respondent executed a Sale deed dated 20.11.2013 in favour of the fourth respondent through the third respondent. According to the petitioner, the sale deed executed in favour of the fourth respondent will not bind him and that the sale deed had been obtained by misrepresentation and on the basis of forged and fabricated documents. It is further stated that the petitioner had never given consent letter to transfer the



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property in the name of the fourth respondent. On coming to know about the sale deed obtained by the fourth respondent, the petitioner had made a representation dated 15.07.2022 before the first respondent through his power agent to conduct an enquiry into the matter as to in what manner the sale deed was obtained by the fourth respondent and pass suitable orders thereof. According to the petitioner, the representation dated 15.07.2022 has not been considered so far and therefore, he has filed this writ petition.

3. Learned counsel for the petitioner would submit that the Sale deed has been executed in favour of the fourth respondent without conducting any enquiry. The second respondent executed the Sale deed dated 20.11.2013 in favour of the fourth respondent through the third respondent vide Doc. No.11656 of 2013, which is absolutely bad in law. The consent letter which was said to have been given by the petitioner, is also forged one. The official respondents, without verifying the signature of the petitioner or conducting any enquiry in the presence of the petitioner, had issued the allotment order to the fourth respondent. Since the property is stood in the name of the petitioner's daughter, the fourth respondent has no right or interest over the disputed property. Hence, the property which was registered in favour of the fourth respondent is illegal and it is liable to be cancelled. Therefore, he prayed to



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allow the Writ Petition with suitable directions to the first respondent.

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4. Learned counsel appearing for the respondents 1 to 3 has submitted that based on the legal heir certificate issued by the Tahsildar and upon considering the no objection letter of the petitioner, the property was transferred in the name of the fourth respondent by the second respondent.

5. Learned counsel appearing for the fourth respondent has submitted that already the petitioner filed a Letter of Administration in O.P. No.18738 of 2012, which was dismissed on 15.06.2016 and thereafter, he also filed a suit in O.S. No.4190 of 2016 and the same was also dismissed. Therefore, the petitioner or his daughter cannot claim any right over the property which was conveyed in favour of the fourth respondent and hence he prayed to dismiss the Writ Petition. Further, the petitioner has not filed any further appeal as against the judgment and decree dated 15.06.2016 and therefore, the present writ petition is not maintainable.

6. I have heard the learned counsel appearing for all the parties and perused the materials placed on record.



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7. On perusal of the entire records, it is evident that there is a civil dispute between the petitioner and his sister, fourth respondent herein. It is stated by the learned counsel for the fourth respondent that already the suit filed by the petitioner has been dismissed before the competent Civil Court. Therefore, this Court is of the opinion that the issue involved in the present case is purely a civil dispute in between the petitioner and the fourth respondent and the same cannot be entertained under Article 226 of the Constitution. However, liberty is granted to the petitioner to approach the competent authority or Civil Court to workout his remedy in the manner known to law.

8. For the foregoing reasons, this Writ petition stands dismissed. No costs.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
klt

To

<https://www.mhc.tn.gov.in/judis>



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M.DHANDAPANI, J.,

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