



WEB COPY



W.P.No.24751 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM :

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.24751 of 2024

S.Lakshmi

...Petitioner

Vs.

1. The Chairman-cum-Managing Director,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai, Chennai – 600 005.
2. The Assistant Secretary (Plot),
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai, Chennai – 600 005.
3. The Estate Officer-II,
Tamil Nadu Urban Habitat Development Board,
Vyasarpadi, Chennai – 39.

...Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the order passed by the 3rd respondent in Na.Ka.No.Aa2/658/A.Aa.2/2024 dated 25.07.2024, quash the same and direct the respondent to register the sale deed in respect of Plot No.78 of Kanagi Nagar Scheme in favour of the petitioner.



WEB COPY



W.P.No.24751 of 2024

For Petitioner : Mr.A.Kumanaraja

For Respondents : Mr.G.Sivakumar

ORDER

This Writ petition has been filed seeking to quash the proceedings dated 25.07.2024, in and by which, the 3rd respondent rejected the request made by the petitioner for execution of the sale deed with respect to plot No.78 allotted in her favour.

2. The case of the petitioner is that, vide proceedings dated 27.09.1984, she was allotted plot No.78 of Kanagi Nagar Scheme developed by the 1st respondent. After allotment, the respondent Board executed a lease cum sale agreement dated 01.11.1984 in favour of the petitioner and no objection certificates were also issued so as to get electricity, water and sewage connection. The petitioner is aged 84 and used to stay in her son's house quite often. The petitioner paid the entire cost of the plot to the respondent Board as stipulated in the allotment order dated 27.09.1984. Despite several demands, the 3rd respondent has not executed the sale deed with respect to plot No.78 in favour of the petitioner. Hence, the petitioner sent a representation dated 28.06.2024 to the respondent Board seeking for execution of the sale deed in respect of the subject property. However, her



W.P.No.24751 of 2024

request was turned down by the impugned order by the 3rd respondent.

Hence, the petitioner is before this Court.

3. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record, more particularly the order impugned.

4. Admittedly, the petitioner has paid the entire amount payable to the respondent board for allotment of the Plot No.78 in her favour. The petitioner has been time and again demanding the respondents to execute the sale deed in her favour. According to the petitioner, she is aged 84 and therefore she is staying in her son's house elsewhere. While so, in the impugned notice, a strange observation has been made by the 3rd respondent to the effect that, the petitioner is not residing in the allotted plot in question and therefore as and when the petitioner resumes her occupation in the plot in question, the sale deed will be executed in her favour. This reason assigned by the 3rd respondent is unjust, arbitrary and unreasonable. When the petitioner has paid all the amount payable to the respondent board, they are bound to execute the sale deed in her favour. For the purpose of obtaining the sale deed, the petitioner need not show that she is residing in



W.P.No.24751 of 2024

the plot allotted to her, particularly, when there is no such condition mentioned in the allotment order dated 27.09.1984. On the basis of such a condition, the petitioner cannot be declined the sale deed to be executed in her favour.

5. Therefore this Court is of the view that the impugned order passed by the 3rd respondent cannot be legally sustained, especially when the petitioner has paid all the amount payable by her towards allotment of the above said plot. Even in the impugned order, it was not disputed that the petitioner did not pay the amount or there are any further amount payable to the respondent board.

6. In the light of the above, the impugned order dated 25.07.2024 passed by the 3rd respondent is set aside. The respondents are directed to execute the sale deed in favour of the petitioner within a period of 8 (eight) weeks from the date of receipt of a copy of this order.



W.P.No.24751 of 2024

7. With the above observations and directions, this Writ petition

stands allowed. No costs.

29.08.2024

skt

Index : Yes (or) No
Neutral Citation : Yes (or) No
Internet : Yes (or) No

To

1. The Chairman-cum-Managing Director,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai, Chennai – 600 005.
2. The Assistant Secretary (Plot),
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai, Chennai – 600 005.
3. The Estate Officer-II,
Tamil Nadu Urban Habitat Development Board,
Vyasarpadi, Chennai – 39.



WEB COPY



W.P.No.24751 of 2024

M.DHANDAPANI, J.

skt

W.P.No.24751 of 2024

29.08.2024