



WEB COPY



W.P.No.33669 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.33669 of 2022

P.Sampath

...Petitioner

-Vs-

The Administrative Engineer, (Housing & Planning),
Tamil Nadu Housing and Urban Development Board,
Salem Division, Cherry Road,
Salem – 636 007.

...Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to execute the sale deed in favour of the petitioner's son namely S.Karuppannan, in respect of Plot No.26, situated at Arasanarathu Karatur – 2, Ammani Kondalampatti, Salem District, within a stipulated time by considering the petitioner's representation dated 17.11.2022.

For Petitioner : Mr.N.Vijaya Basker

For Respondent : Mrs.K.Indumathy Venkatesh

ORDER

This Writ Petition has been filed for direction directing the respondent to execute the sale deed in favour of the petitioner's son namely S.Karuppannan, in respect of Plot No.26, situated at Arasanarathu Karatur – 2, Ammani Kondalampatti, Salem District, within a stipulated time by considering the petitioner's representation dated 17.11.2022.



W.P.No.33669 of 2022

WEB COPY

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

3. Originally, the Plot No.26, situated at Arasanarathu Karatur – 2, Ammani Kondalampatti, Salem District was allotted in favour of the petitioner. According to the petitioner, he had paid the entire consideration by one time payment of Rs.15,675/- as total sale consideration for Plot Nos.26 and 27. Plot No.27 was allotted in favour of the petitioner's brother one K.P.Subash Chandira Bose. However, the respondent failed to execute the sale deed.

4. The learned counsel for the respondent submitted that the sale consideration of Rs.15,675/- was paid in respect of Plot No.27 that too by his brother. No sale consideration was paid so far in respect of Plot No.26 which was allotted in favour of the petitioner.

5. The learned counsel for the petitioner submitted that the petitioner is willing to pay the sale consideration as demanded by the respondent.

6. Considering the above submission, the respondent is directed to make a fresh demand in respect of Plot No.26 situated at Arasanarathu Karatur – 2,



W.P.No.33669 of 2022

Ammani Kondalampatti, Salem District and on payment of the entire sale consideration by the petitioner, the respondent is directed to execute a sale deed in respect of the subject property in favour of the petitioner.

7. The learned counsel for the respondent also submitted that the said K.P.Subash Chandira Bose died. Insofar as the Plot No.27 is concerned, if any legal heirs of the deceased K.P.Subash Chandira Bose purchase the said property, the respondent is ready to execute the sale deed in favour of the legal heirs of the deceased K.P.Subash Chandira Bose, on production of legal heirship certificate.

8. Accordingly, the legal heirs of the deceased K.P.Subash Chandira Bose are directed to produce the legal heirship certificate and on receipt of the same, the respondent is directed to execute the sale deed in favour of the legal heirs of the deceased K.P.Subash Chandira Bose in respect of Plot No.27 situated at Arasanarathu Karatur – 2, Ammani Kondalampatti, Salem District, within a period of four weeks from the date of receipt of a copy of this order.

9. With the above directions, this writ petition is disposed of. No costs.



W.P.No.33669 of 2022

28.06.2024

WEB COPY

Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order
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W.P.No.33669 of 2022

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WEB COPY

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G.K.ILANTHIRAIYAN. J.

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W.P.No.33669 of 2022

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