



W.P(MD)No.7015 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7015 of 2024

S.Mallika

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex,
E & C Market, Koyambedu,
Chennai – 600 107.

2.The Executive Engineer (M),
Administration Officer,
Tamil Nadu Housing Board,
Thanjavur Housing Unit,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records of the 2nd respondent proceeding letter No.R.2/1430/2003 dated on 16.04.2023 quash the same and consequently direct the 2nd respondent to execute the sale deed in favour of the petitioner in respect of the house property number MIG 390 was allotted in favour her under the Tamilnadu Housing



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Board promoted scheme at Thanjavur in the campus of Tamil University
Housing Board Colony.

For Petitioner : Mr.A.Senthilkumar

For Respondents : Mr.M.Suresh,
Standing Counsel.

ORDER

Heard both sides.

2.The petitioner was allotted the petition mentioned apartment by the respondent Housing Board. The petitioner is in possession of the same. She has also paid all the monthly installments. What remains is the execution of pucca sale deed. It appears that the petitioner had executed power of attorney in favour of one Parveen Banu and the said Parveen Banu filed civil suit in O.S.No.72 of 2014 on the file of District Munsif Court, Thanjavur. The suit was dismissed for default and it appears that restoration petition is pending. Citing the pendency of the civil suit, the respondents have declined to execute sale deed in favour of the petitioner. Challenging the stand of the respondents, the present writ petition came to be filed.



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3. When the petitioner is the allottee and when she cleared the installments, the respondents are obliged to execute the sale deed in favour of the petitioner. In fact, the transaction between the petitioner and the said Parveen Banu ought to be ignored. I, therefore, direct the respondents to execute sale deed in favour of the petitioner. The impugned communication is set aside. Since Parveen Banu is not before this Court, I make it clear that the rights of the petitioner will abide by the outcome of the civil suit. The respondents shall execute the sale deed in favour of the petitioner within a period of six weeks from the date of receipt of a copy of this order.

4. This writ petition is allowed accordingly. No costs.

21.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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