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W.MP.(MD)NO.13195 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.M.P.(MD)No.13195 of 2024 in
REV.APLW(MD)SR.No.46032 of 2024

N.Selvam

... Petitioner

Vs.

1. K.Sathasivam

2. The Executive Engineer cum Administrative Officer,
Thanjavur Housing Unit, Tamil Nadu Housing Board,
Thanjavur – 613 005.

3. The Manager,
Sales and Service, Thanjavur Housing Unit,
Tamil Nadu Housing Board,
Thanjavur – 613 005.

... Respondents

Prayer in W.M.P.(MD)No.13195 of 2024: Petition filed to grant leave to the petitioner to file the present review application seeking review of the judgment and order dated 23.04.2024 passed in W.P. (MD)No.9951 of 2024 for non-impleadment of the necessary party and concealment of material facts and gross suppression by the writ petitioner in obtaining the said order.

Prayer in Rev.APLW(MD)SRNo.46032 of 2024: Petition filed under Order 47 Rule 1 r/w. Section 114 CPC, to allow the review application seeking review of the judgment and order dated 23.04.2024 made in W.P.(MD)No.9951 of 2024 for non-impleadment of the necessary party and concealment of material facts and gross suppression by the writ petitioner in obtaining the said order.



For Petitioner : Mr.S.Thirumavalavan

For R-2 & R-3 : Mr.M.Suresh,
Standing counsel.

* * *

ORDER

One K.Sadasivam filed W.P.(MD)No.9951 of 2024 for directing the Housing Board to execute the sale deed in his favour. The Housing Board had declined to accept his request citing the pendency of civil litigation between him and the present review applicant Thiru.N.Selvam. The writ petition was allowed by me on 23.04.2024.

2. I had gone by the fact that it was Sadasivam who was the original allottee and that he had cleared all the installments and that therefore, the right for execution of sale deed had accrued in his favour. I also took note of the fact that there was a civil dispute between Selvam and Sadasivam.

3. I carefully considered the rival contentions and made a categorical observation that the rights of Sadasivam and Selvam will abide by the outcome of A.S.No.9 of 2023 on the file of the District Court, Thanjavur.

4. Seeking review of the said order, this petition has been filed seeking leave.



5. I am not inclined to grant leave for the simple reason that not even a single observation has been made against Thiru.Selvam. I had only directed the Housing Board to execute sale deed in favour of Sadasivam and nothing more. It is stated in my order that the rights of the present applicant Selvam does not stand to be prejudiced in any manner. The learned counsel appearing for the petitioner claims that Selvam is in possession of the property. It may be so. Nowhere in my order I had rendered any finding as regards possession in favour of Sadasivam.

6. With this observation, this petition stands disposed of.
REV.APLW(MD)SR.No.46032 of 2024 is rejected at SR stage itself.

09.07.2024

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

PMU

To:

1. The Executive Engineer cum Administrative Officer,
Thanjavur Housing Unit,
Tamil Nadu Housing Board,
Thanjavur – 613 005.
2. The Manager,
Sales and Service,
Thanjavur Housing Unit,
Tamil Nadu Housing Board,
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