



W.P (MD).No. 12555 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.12555 of 2018

K.Rajaram

...Petitioner

Vs.

1.The Executive Engineer cum
Administrative Officer,
Tamilnadu Housing Board,
Ellis Nagar, Madurai.

2.The Manager,
Sales and Service,
Tamilnadu Housing Board,
Ellis Nagar, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to execute a registered sale deed in the name of the petitioner, for the house bearing Door No.HIG-1/35-A of R.M.Colony, Dindigul Town, which had been allotted in the name of the petitioner's father Late.Krishnasamy Naidu, based on the petitioner's representation, dated 07.04.2018.

For Petitioner : Mr.S.Raja Jeya Chandra Paul

For R1 : Mr.R.Janarthanan

For R2 : Mr.S.Nagarajan



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ORDER

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This writ petition has been filed to direct the first respondent to execute a registered sale deed in the name of the petitioner, for the house bearing Door No.HIG-1/35-A of R.M.Colony, Dindigul Town, which was originally allotted in the name of the petitioner's father Late.Krishnasamy Naidu, based on the petitioner's representation, dated 07.04.2018.

2. The petitioner's father M.Krishnasamy Naidu was allotted a house in Door No.HIG-1/35-A of R.M.Colony, Dindigul Town by the respondents and the same was handed over to the petitioner's father on 04.12.1997. The petitioner's mother pre-deceased his father. After the demise of his mother, his father executed a registered Will, dated 06.06.2001 vide document No.103 of 2001, thereby bequeathing the subject property in favour of the petitioner. However, no sale deed was executed in favour of the petitioner by the respondents. The petitioner was directed to prove the Will, dated 06.06.2001 before the Court of law in order to execute the sale deed in favour of the petitioner in respect of the house, which was originally allotted to the petitioner's father.



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3. On perusal of the Will, dated 06.06.2001 executed by the petitioner's father witnessed by one Kanniah and Saroja Devi. The petitioner's father had three issues, two sons and one daughter, namely, the petitioner, Kanniah and Saroja Devi, are the legal heirs of the deceased M.Krishnasamy Naidu. Addmittedly, the Will has witnessed by another son/Kanniah and daughter / Saroja Devi. It is a registered Will, vide document No.103 of 2001 on the file of the II Joint Sub Registrar, Dindigul. Therefore, there is absolutely no leal impediment for registering the sale deed for the subject property in favour of the petitioner. That apart, there is no objections from the other legal heirs for execution of sale deed in favour of the petitioner.

4. The learned counsel for the respondents would submit that even as per the affidavit filed in support of the Writ Petition revealed that the petitioner is not in talking term with his brother / Kanniah. Therefore, he has to necessarily provide “No Objection Certificate” from other legal heirs, for execution of sale deed in his favour. As stated supra, the Will has been witnessed by other legal heirs of Late.M.Krishnasamy Naidu, it is also a registered one. Therefore, unless there is objections raised by other legal heirs, there is absolutely no impediment for the respondents to register in respect of the subject property in favour of the petitioner.



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5. In view of the above, the first respondent is directed to execute the sale deed in respect of house bearing Door No.HIG-1/35-A of R.M.Colony, Dindigul Town, which was originally allotted in the name of the petitioner's father Late.Krishnasamy Naidu, in favour of the petitioner within a period of two weeks from the date of receipt of copy of this order. It is made clear that if any objections raised by any other legal heirs, the first respondent is directed to conduct enquiry in that regard, in the light of the above observation and pass order in accordance with law.

6. With the above direction, the writ petition stands disposed of.

No costs.

Internet : Yes
Index : Yes/No
NCC : Yes/No
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