



Writ Petition No.186 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Writ Petition No.186 of 2025
and
W.M.P.Nos.197 & 198 of 2025

Sundarambal
W/o.Singamuthu

... Petitioner

Vs

1.The Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai.

2.Tamil Nadu Housing Board
represented by its
Superintending Engineer/Administrative Officer,
KK Nagar Division,
No.C-48, 3rd Floor,
2nd Avenue, Anna Nagar,
Chennai - 600 040.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorari calling for the records in respect of the proceedings of the second respondent in the impugned order in Letter No.K.K.N.B-3/3163/2018 dated 19.12.2024 and quash the same.



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Writ Petition No.186 of 2025

For Petitioner : Mr.G.Mohanakrishnan
For Respondents : Ms.P.Aishwarya
Government Advocate [R1]
Mr.D.Veersekaran,
Standing Counsel [R2]

ORDER

This writ petition has been filed challenging the impugned communication dated 19.12.2024 issued by the Housing Board directing the petitioner to vacate and hand over the property within a period of 15 days failing which the Housing Board will take action to recover the property from the petitioner.

2. Heard Mr.G.Mohanakrishnan, learned counsel for petitioner, Ms.P.Aishwarya, learned Government Advocate appearing for first respondent and Mr.D.Veersekaran, learned Standing Counsel appearing for second respondent.

3. The property in Plot No.AP-749 in TS 178, Block No.26 of Kodambakkam Village, K.K.Nagar, admeasuring 880 sq.f.t was allotted to one PV Narayanan through an allotment order dated 24.07.1968. One of the legal heirs of the allottee viz., Sampath Kumar lodged a criminal complaint in



Writ Petition No.186 of 2025

WEB COPY

Crime No.11 of 2016 against the petitioner for land grabbing on the ground that a bogus sale deed has been created by the petitioner. This criminal proceedings ended in acquittal. Simultaneously, proceedings were initiated by yet another legal heir of the original allottee for cancellation of the sale deed. W.P.No.618 of 2022 was filed before this Court for a direction to the District Registrar to conduct an enquiry in respect of the alleged forged sale deed and to cancel the same. This writ petition was disposed of by an order dated 20.01.2022.

4. Pursuant to the above order, enquiry was conducted by the District Registrar and by an order dated 21.06.2022, the District Registrar came to a conclusion that the document is a forged one. Aggrieved by the same, the petitioner filed an appeal before the Deputy Inspector General of Registration and the appellate authority also confirmed the order passed by the District Registrar through proceedings dated 07.02.2023. Pursuant to the above development, the impugned notice dated 19.12.2024 came to be issued to the petitioner directing the petitioner to vacate and hand over the premises. The same has been put to challenge in the present writ petition.

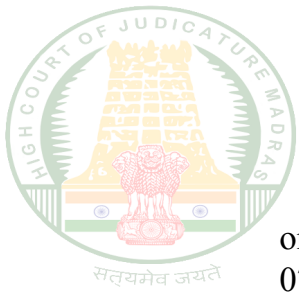


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5. The second respondent has filed a counter affidavit and the second respondent has taken a stand that the proceedings were initiated mainly on the ground that the sale deed which was relied upon by the petitioner was found to be a fraudulent document and therefore, the continuation of the possession of the property is illegal. The second respondent has taken a further stand that as per the allotment order, the allottee should not part with the possession or alienate the property until the entire cost of the plot is determined or paid or till the expiry of the period of five years from the date of allotment, whichever is later and without the written prior approval of the Board. Thus, according to the Housing Board, the alienation has taken place without the prior approval of the Housing Board and therefore, that was one more reason as to why the impugned communication was sent to the petitioner. Accordingly, the Housing Board has sought for the dismissal of the present writ petition.

6. When the matter was taken up for hearing today, learned counsel for the petitioner brought to the notice of this Court the order passed by the Division Bench in W.A.No.2001 of 2025 dated 07.07.2025 and the relevant portions are extracted hereunder:

"2. The prayer in the Writ Petition was a challenge to an



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order passed by the Deputy Inspector General of Registration on 07.02.2023 confirming the order passed by the District Registrar, Chennai Central Registration District on 21.06.2022. The authorities have rejected the appeal of the appellant confirming the directions issued by the registering authorities that the document executed on 04.10.1994 was forged document. Those orders have been confirmed by the Writ Court.

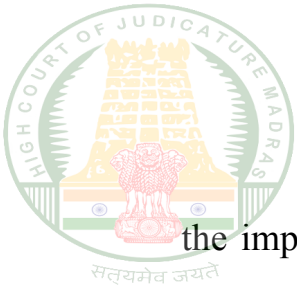
3. At paragraph 12, the learned Judge confirms the action of the authorities under the Registration Act, 1908 finding that the sale deed had been fraudulently executed. The learned Judge has also gone into the facts of the matter in confirming the orders passed by the authorities.

4. Mr.P.Harish, learned Government Advocate, who appears for R1 and R2 would fairly draw attention to the decision of this Court in ***M.Kathirvel v. Inspector General of Registration (2024 (4) CTC 769)***, where the provisions of Section 77A of the Registration Act has been struck down. He would also confirm that as on date, the aforesaid decision has attained finality, since no appeal has been filed by the State.

5. In light of the aforesaid, the order of the Writ Court is liable to be reversed and we do so. This Writ Appeal is allowed and all consequences will follow. No costs. Connected Miscellaneous Petition is closed."

7. It is clear from the order passed by the Division Bench that insofar as the proceedings of the District Registrar, which was confirmed by the Deputy Inspector General of Registration, who is the appellate authority, the same has been interfered on the ground that Section 77-A of the Registration Act has been struck down by this Court.

8. In the light of the above development, the very basis on which



Writ Petition No.186 of 2025

WEB COPY

the impugned notice has been issued by the Housing Board by relying upon the proceedings of the District Registrar, loses steam. On carefully reading the impugned communication dated 19.12.2024, it is seen that the proceedings have been initiated only on the ground that the document executed in favour of the petitioner was found to be a fraudulent document. No other reason has been assigned in the impugned notice. If that is so, the impugned notice has to be interfered since the proceedings of the District Registrar, which was confirmed by the appellate authority has been interfered by this Court in W.A.No.2001 of 2025 by order dated 07.07.2025.

9. Insofar as the ground taken by the Housing Board to the effect that the very alienation made by the petitioner is unsustainable since prior sanction of the Housing Board was not obtained and the alienation itself has taken place against the conditions of allotment is concerned, a fresh notice has to be issued by the Housing Board by citing these reasons. These reasons were not found in the impugned notice issued to the petitioner. Therefore, it is left open to the Housing Board to issue a fresh notice to the petitioner and proceed further in accordance with law after affording opportunity to the petitioner.

In the result, the impugned communication dated 19.12.2024



Writ Petition No.186 of 2025

issued by the second respondent is hereby quashed and this writ petition is

allowed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

23.07.2025

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
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To

1.The Secretary to Government,
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2.The Superintending Engineer/Administrative Officer,
Tamil Nadu Housing Board,
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N.ANAND VENKATESH, J.



WEB COPY



Writ Petition No.186 of 2025

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Writ Petition No.186 of 2025

23.07.2025