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W.P.No.2982 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.2982 of 2024

M.Loganathan

...Petitioner

Vs.

1.The Tamilnadu Urban Habitat Development Board,
Rep. By Its Managing Director,
Kamarajar Salai Chepauk Chennai 05

2.The Revenue Officer
O/o. Revenue Office South,
Chennai 78

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the representation dated 1.08.2023 and to issue the Draft sale deed to the plot 53 Old No. 13B, New No.2B 2nd street, Adambakkam, Chennai 88 in favour of the petitioner within the time fixed by this Court.

For Petitioner : Mr.M.Rajasekhar

For Respondents : M/s.K.Indumathy Venkatesh for R1
Standing Counsel (TNUHDB)
Mr.V.Jeevagiridaran for R2
Additional Government Pleader



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ORDER

The writ petition is filed seeking a direction to respondents to consider the representation of the petitioner dated 01.08.2023 to issue draft sale deed to the Plot No.53, Old No.13B, New No.2B, 2nd street, Adambakkam, Chennai-88 in favour of petitioner within a time fixed by this Court.

2. It is the case of the petitioner that he is in possession of above mentioned plot allotted to him by the 1st respondent on 11.01.1991. On the basis of the no objection certificate issued by the respondent, the petitioner also got metro water and electricity service connection for his building in the above mentioned property. The petitioner has paid the entire amount due to the respondents and he has put up a small house and residing there. In spite of several representations to the respondents, they have not taken any steps to execute the sale deed in favour of the petitioner. The last of the representation submitted before the 1st respondent was on 01.08.2023. Therefore, the petitioner has come before this Court.



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3. The learned counsel for the petitioner submits that in spite of the fact that petitioner has paid entire amount due to the 1st respondent, the sale deed has not been executed in his favour for the past 32 years.

4. The learned Standing Counsel (TNUHDB), based on the counter filed on behalf of the 1st respondent, submits that actually the petitioner is in possession of only 63Sq.m and remaining extent of 7.54 Sq.m is a common passage for the petitioner and the allottees of the Plot Nos.45, 51 and 52. Therefore, the 1st respondent board is ready to execute the sale deed in favour of the petitioner for the land area measuring 63Sq.m. He further submitted that since the petitioner is not willing to accept the lesser extent than the one mentioned in the allotment order, the sale deed has not been executed.

5. From the counter affidavit filed by the 1st respondent, it is clear that petitioner has been in enjoyment of the land area with an extent of 63 Sq.m, the remaining extent of 7.54 Sq.m is a common passage meant for the petitioner and allottees of the other plots namely Plot Nos.45, 51 and 52.



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Therefore, while executing the sale deed for an extent of 63 Sq.m which is in possession of the petitioner, the respondent shall mention the remaining area of 7.54 Sq.m is a common passage for the petitioner and other allottees by recognising the common right of the petitioner to use the passage. The sale deed shall be executed for 63 Sq.m. with reference to common right available to the petitioner over 7.54 Sq.m. The execution of the sale deed as mentioned above shall be completed within a period of twelve weeks from the date of receipt of copy of this order.

6. With this directions, the writ petition stands disposed of. No costs.

08.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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W.P.No.2982 of 2021.

To

1.The Tamilnadu Urban Habitat Development Board,
Rep. By Its Managing Director,
Kamarajar Salai Chepauk Chennai 05

2.The Revenue Officer
O/o. Revenue Office South,
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S.SOUNTHAR, J.
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