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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-07-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 3806 of 2024

M.K.Jeevanandam

Petitioner(s)

Vs

1. The Manager
Marketing And Service,
Tamil Nadu Housing Board,
JJ Nagar Division, Chennai- 600101.

2.The Managing Director
Tamil Nadu Housing Board Authority,
Koyembedu, Chennai.

3.The Executive Engineer
Tamil Nadu Housing Board,
JJ Nagar Division, Chennai- 600101.

4.C.Chelladurai

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Mandamus, directing the respondents 1 to 3 to allot the



alternative plot to the petitioner in S.No.713/1B1 part, Parithipattu Village, Avadi in the layout formed by the Tamil Nadu Housing Board, instead of Plot No.CS23 based on his representations dated 09.10.2019, 27.09.2021, 13.12.2023 and 11.01.2024.

For Petitioner(s): Mr.P.Krishnan

For Respondent(s): Mr.D.Veerasekaran
Standing Counsel
for R1 to R3

ORDER

This writ petition has been filed for issue of writ of mandamus directing respondents 1 to 3 to allot alternative plot to the petitioner in the layout formed by the Tamil Nadu Housing Board based on the representations made by the petitioner.

2.The case of the petitioner is that respondents 1 to 3 had called for public auction to sell their unsold plots at Paruthipattu Village, Avadi. In the said auction, the petitioner participated and was the successful bidder for Plot No.CS23 for a total cost of Rs.10,40,000/-.



3. After the payment of the amount, the 1st respondent also executed the Sale Deed dated 17.04.2018, which was registered as Document No.8231 of 2018.

4. The 4th respondent seems to have made a claim over the said plot on the ground that the said plot was already sold in his favour through Sale Deed dated 19.08.2009.

5. It is under these circumstances, the petitioner submitted representation to the Housing Board to resolve this issue and to allot alternative plot to the petitioner. Since the same was not considered, the present writ petition has been filed before this Court.

6. The Housing Board has filed a counter. They have taken a stand that originally LIG Plot No.1730, Type I of the Avadi Scheme was allotted to one Tmt.Nirmala on 23.07.1992 and allotment order in letter dated 28.01.1993 was issued by informing the tentative cost for an extent of 640 Sq. Ft. After the

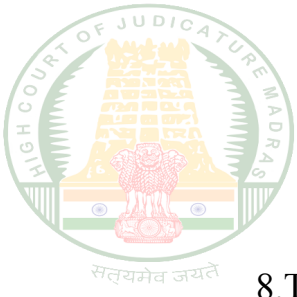


payment of the initial amount, the balance amount was payable over a period of 240 months. The Lease-cum-Sale Agreement was also executed on 22.04.1993.

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Later, the said Nirmala did not pay the monthly instalment amount and remainder notice was sent and there was no response. Hence, the allotment that was made in favour of the said Nirmala was cancelled by letter dated 05.10.1998. The cancellation order was also sent by registered post. The same was not able to be served and it was returned.

7.It is further stated that subsequently, LIG Plot No.1370 Type I, Avadi Scheme was allotted to the 4th respondent. At this stage, the said Nirmala made a representation stating that she was unable to pay the arrears of the monthly instalment due to her ill health and that she was prepared to pay the total arrears amount and requested for restoration of the allotment. The same resulted in a dispute and the 4th respondent approached the District Consumer Forum by filing O.P.No.273 of 2001 against the Housing Board. Ultimately, an order was passed by the Consumer Forum by directing the Housing Board to allot the different plot to the 4th respondent.



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8.The matter was thereafter placed before the Committee and a resolution was passed to the extent that the 4th respondent will be allotted CS Plot Nos.23 & 24, each measuring 624 Sq. Ft. The 4th respondent paid the differential land cost. In the meantime, one of the plot came to be allotted in favour of the petitioner who had participated in the auction and was the successful bidder. Sale Deed was also executed in their favour. In the light of the above development, where a decision was taken to allot those two plots to the 4th respondent, the Sale Deed that was executed in favour of the petitioner was not able to be acted upon.

9.The Housing Bard has taken a stand that there are no vacant plots available under the Avadi Scheme and hence, if any vacant plot is available in the Scheme, the same will be allotted in favour of the petitioner after getting orders from the higher authorities or in the alternative the amount will be refunded to the petitioner with interest.



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10. Heard Mr.P.Krishnan, learned counsel appearing on behalf of the petitioner and Mr.D.Veerasekaran, learned Standing Counsel appearing on behalf of respondents 1 to 3.

11. In the considered view of this Court, the petitioner had participated in the auction and was the successful bidder and the Sale Deed was executed in favour of the petitioner. However, due to circumstances which were not under the control of the petitioner, the plot that was allotted to the petitioner was sold to the 4th respondent by the Housing Board. Therefore, the only other alternative is to ensure that the petitioner is allotted any other vacant plot available in the Avadi Scheme.

12. The learned counsel for the petitioner submitted that he has instructions to the effect that there are vacant plots available.

13. In view of the above, there shall be a direction to the 2nd respondent to verify and allot the vacant plot that is available in the Avadi Scheme to the



petitioner. If the available vacant plot has a larger extent, it is left open to the

2nd respondent to recover the necessary cost along with interest from the

petitioner. This process shall be completed by the 3rd respondent, within a

period of eight weeks from the date of receipt of copy of this order.

14. This writ petition is disposed of with the above directions. No Costs.

04-07-2025

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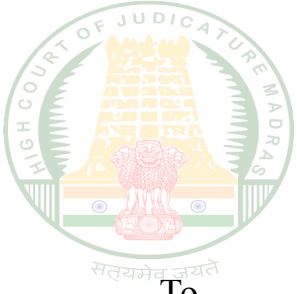
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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