



W.P.No.13999 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 13.11.2025**

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

**W.P.No.13999 of 2024**  
**and**  
**W.M.P.No.15184 of 2024**

Rebbai

... Petitioner

Vs.

1.The Chairman,  
Tamil Nadu Housing Board,  
CMDA Complex,  
E & C Market Road,  
Koyambedu, Chennai – 600 107.

2.The Managing Director,  
Tamil Nadu Housing Board,  
CMDA Complex,  
E & C Market Road,  
Koyambedu, Chennai – 600 107.

3.The Executive Engineer and Administrative Officer,  
Tamil Nadu Housing Board,  
Villupuram Housing Board,  
East Pondy Road,  
Maharajapuram,  
Villupuram – 605 602.

4.The District Collector,  
Villupuram.

... Respondents



W.P.No.13999 of 2024

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1 – 3 respondents to exercise Section 72(2)(b) of Tamil Nadu Housing Board Act 1961 over the land in S.No.43/1C1B, measuring 0.02.27 at Salamedu Village, Villupuram and execute a fresh sale deed to petitioner based on the reply letter dated 20.03.2024.

For Petitioner : Mr.S.C.Vishwanth

For Respondents : Mr.D.Veerasekaran  
Standing Counsel [R1 to R3]  
Ms.S.Anitha  
Special Government Pleader [R4]

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### **ORDER**

This Writ Petition has been filed seeking a direction upon the respondents 1 to 3 to exercise Section 72(2)(b) of Tamil Nadu Housing Board Act, 1961 (in short ‘the Act’) over the land in S.No.43/1C1B, measuring 0.02.27 at Salamedu Village, Villupuram and execute a fresh sale deed to petitioner based on the reply letter dated 20.03.2024.

2. The lands in S.No.43/1 to an extent of 0.97 cents was originally belongs to Shanmuga Gounder and he had sold the said property to one Reetha Ammal vide Doc.No.1089/1982. The said Reetha Ammal had converted the said land and other neighbouring lands into plots and formed a layout and in which, Plot No.2 to an extent of 2450 was sold to one Vijayarangan vide deed No.191/1984. After due diligence, the



W.P.No.13999 of 2024

petitioner and his wife, Shyed Alli Fathima had purchased the said land in two parts vide Deed Nos.555 and 556 of 2009 for a valid consideration.

Thereafter, they have constructed a pucca housing and residing there from then onwards. As the persons of the respondents 1 to 3 had attempted to interfere with their peaceful possession and enjoyment of the property, the petitioner and his wife filed a writ petition before this Court in W.P.No.10652 of 2020 and the same was dismissed with liberty to work out the remedy as against the vendor. Thereafter, the petitioner came to know that as per Section 72(2)(b) of the Act, the respondents have power to execute a sale deed in favour of the petitioner. In order to avail the said benefit, the petitioner has made a letter/representation dated 20.03.2024, however no order was passed. Hence, the petitioner has filed this writ petition before this Court.

3. Heard both sides and perused the materials available on record.

4. As seen from the counter filed by the respondents 1 to 3 that the subject land was acquired by the Government after following the land acquisition proceedings and an award No.7 of 1994 dated 03.09.1994 was also passed in this regard. Subsequent to the award, the Government has



W.P.No.13999 of 2024

handed over the acquired land to the requisition body Tamil Nadu Housing Board (TNHB) vide Land Delivery Report dated 29.09.1995.

Therefore, it is clear that TNHB is the owner of the subject land. However, in the year 2009, the erstwhile owner of the subject land had suppressed the land acquisition proceedings and sold the land to the petitioner. Under such circumstances, the petitioner can only be treated as an encroacher and he do not have any right over the subject land, since the same belongs to TNHB. It is pertinent to note that without any allotment order, the petitioner cannot occupy the land owned by TNHB and he cannot seek a direction upon the respondents 1 to 3 to execute a sale deed in his favour by way of this writ petition. Hence, the prayer sought for by the petitioner in this writ petition cannot be granted and this writ petition is liable to be dismissed.

5. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

**13.11.2025**

Index : Yes / No  
Speaking order / Non-speaking order  
Neutral Citation Case : Yes/No  
sp



W.P.No.13999 of 2024

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W.P.No.13999 of 2024

**M.DHANDAPANI, J.**

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**W.P.No.13999 of 2024**

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