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W.P.No.16001 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.16001 of 2025

S.Sakthivel

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Housing Board,
Koyambedu, Chennai – 107.

2.The Executive Engineer /
Administrative Officer,
Tamil Nadu Housing Board,
Sampath Nagar,
Erode – 11.

3.M.S.Dharani

... Respondents

*[R3 suo motu impleaded vide order dated 30.07.2025
made in W.P.No.16001 of 2025]*

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to execute the sale deed in so far as it relates to the petitioner's Plot situated at Plot No.MIG 254, to the extent of 1441 sq.ft., Muthampalayam Phase No.8, Erode and hand over the sale deed to the petitioner.



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For Petitioner : Mr.C.Prakasam
For R1 and R2 : Mr.D.Veerasekaran
Standing Counsel
For R3 : Ms.S.Pavithra

ORDER

The petitioner seeks a direction to the respondents 1 and 2 to execute the sale deed in so far as it relates to the petitioner's plot situated at Plot No.MIG 254, to the extent of 1441 sq.ft., Muthampalayam Phase No.8, Erode and hand over the sale deed to the petitioner.

2.It is the case of the petitioner that he was allotted a plot in Plot No.MIG 254, to the extent of 1441 sq.ft., Muthampalayam Phase No.8, Erode. According to the petitioner, he has paid the entire cost of Rs.13,32,780/-. It is the contention of the petitioner that, since there was a quarrel between the petitioner and his wife/3rd respondent, the 3rd respondent/wife left the matrimonial home and she is now residing in her parent's house. In the year 2020, the petitioner's wife has approached the respondents and got allotment of a plot in MIG Plot No.219 under EMI

Scheme in the same Muthampalayam Phase No.8, Erode, and subsequently,
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after paying the entire amount, a sale deed has also been executed in the name of his wife/3rd respondent. Having paid the entire cost, when the petitioner approached the respondents seeking to execute the sale deed in his favour in respect of Plot No.MIG 254, the 2nd respondent informed the petitioner that the petitioner's wife has already been allotted with a plot and sale deed has been executed in her name and hence, sale deed cannot be executed in the name of the petitioner. Aggrieved by the same, the petitioner gave several representations to the respondents, last representation being given on 29.01.2025, to execute the sale deed in the name of the petitioner. However, there is no action on the part of the respondents 1 and 2. Therefore, the petitioner has come forward with the present writ petition.

3.The respondents 1 and 2/Housing Board, in their counter affidavit, have admitted that the petitioner was allotted a plot in Plot No.MIG 254 in Muthampalayam Phase No.8, Erode, by order dated 03.07.2018, for the cost of Rs.11,09,900/- for an extent of 1441 sq.ft. It is further stated that, though the petitioner has paid the full cost of Rs.13,32,780/-, before execution of the sale deed, it was found that the petitioner's wife, namely M.S.Dharani, has already obtained a sale deed for MIG Plot No.219 under the same Muthampalayam Phase No.8, Erode, on 21.11.2020 and the same is also



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obtained under the Government employee category. Further, she has also given a declaration stating that she does not own any house in her name or her husband's name, i.e., the writ petitioner. The Board Resolution No.42, dated 30.07.1982, provides as follows :

“In respect of persons who are ineligible to secure allotment from TNHB and who have manipulated to secure TNHB allotments by suppressing the fact of their owning property already either in their names or in the name of spouse/minor children, the immediate casualty shall be cancellation of allotment (2nd allotment) with forfeiture of the initial deposit amount. In addition the following amount shall be collected from them.

A) In respect of flats/houses interest charges for the 3/4th cost from the date of ready for occupation till the date of cancellation.

B) Property taxes due during the period of possession.

C) In the double allotment cases if the allottee/spouse had obtained sale deed already for the 2nd allotment then the 1st allotment should be cancelled.”

As per the Board Resolution, the plot allotted to the writ petitioner was cancelled, as the petitioner's wife had already obtained sale deed for the plot allotted to her.



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4.Learned counsel for the petitioner would submit that there was no concession extended while allotting the plot to the petitioner's wife. Though the petitioner's wife was allotted a plot, that was on the basis of the lot. Whereas, the petitioner was allotted the plot based on Government servants category. Hence, he would submit that, as long as the allotment was not made on concession, the petitioner is entitled to get sale deed, since he has already paid the entire amount.

5.Whereas, the learned Standing Counsel appearing for the respondents 1 and 2, would submit that the Board Resolution clearly bars second allotment in the name of the family members. The wife of the petitioner is already having an allotment and sale deed is also executed in her name. Therefore, the petitioner's allotment has already been cancelled as per the Board Resolution. Hence, he opposed the writ petition.

6.I have perused the entire materials available on record.

7.Though the petitioner was originally allotted a plot in MIG Plot No.254 in Muthampalayam Phase No.8, Erode, for an extent of 1441 sq.ft.,



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and paid the full cost of Rs.13,32,780/-, the fact remains that the petitioner's

wife has subsequently got an allotment for a plot in MIG Plot No.219 under the same Scheme, i.e., Muthampalayam Phase No.8, Erode, and she has also obtained sale deed in her name. As per the Board Resolution, extracted *supra*, when double allotment is made, one allotment is liable to be cancelled. Since the petitioner's wife has already obtained sale deed, the respondents have cancelled the allotment made to the writ petitioner. It is also placed on record that the petitioner's wife has given a declaration that no allotment is available earlier either in her name or in the name of her husband, viz., the writ petitioner. This declaration appears to have been witnessed by the writ petitioner himself. Be that as it may. By giving such declaration, the petitioner's wife has got the allotment and the transfer has already taken place. Such being the position, once again, the petitioner cannot insist for sale of the property merely on the ground of payment of money. The very object of the Housing Board is to allot houses to persons who do not have any plot or house in their name or in the name of their family members. Such being the position, having taken advantage of obtaining a sale deed in the name of his wife, the petitioner now cannot insist for registration of sale deed in his name. As far as the contention of the petitioner that there is a matrimonial dispute between the petitioner and



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his wife/3rd respondent, absolutely, there is no material, whatsoever, to countenance that contention. Such contention has been raised only for the purpose of this writ petition. Hence, I do not find any merit in this writ petition.

8. Accordingly, this writ petition is dismissed. No costs.

9. As the amount of Rs.13,32,780/- is already paid by the petitioner, let the respondents 1 and 2 return the amount to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

08.12.2025

mkkn

Internet : Yes

Index : Yes

Speaking order : Yes

Neutral Citation : Yes



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To

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N. SATHISH KUMAR, J.

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