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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 18741 of 2025

P.Selvarani

Petitioner(s)

Vs

1. The Government Of Tamil Nadu
Secretary To The Government,
Housing And Urban Development
Department
Fort St. George, Chennai - 600 009

2.The Tamilnadu Housing Board
Rep By Its Chairman And Managing
Director, CMDA Complex,
Koyembedu, Chennai - 17

3.The Executive Engineer /
Administrative Officer
The Tamilnadu Housing Board,
Thanjavur Housing Unit,
Thanjavur - 613 005.

Respondent(s)



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PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent, to confirm the sale in petitioner's name and issue no objection and permit her to sell the SMT scheme plot Nos.B68 and B69 measuring 143 sq.m and 137.30 sq.m respectively comprised in T.S.No.36/1, Ward 1, Block 3, Vadakkusetivattam, Mannargudi purchased vide two sale deeds dated 27.06.2007 (Doc.Nos.2432 and 2431/2007-Thiruvavarur SRO) by considering her representation dated 31.03.2025.

For Petitioner(s): Mr. R.T. Vishnu

For Respondent(s): Ms.P.Aishwarya
Government Advocate
for R1
Mr.D.Veerasekaran
for R2 and R3

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 3rd respondent to confirm the Sale Deed in the name of the petitioner and to issue no objection in order to enable the petitioner to sell the property, based on the representation made by the petitioner on 31.03.2025.



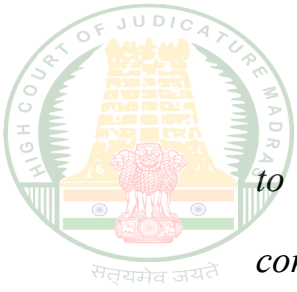
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2. Heard Mr.R.T.Vishnu, learned counsel appearing on behalf of the petitioner, Ms.P.Aishwarya, learned Government Advocate appearing on behalf of the 1st respondent and Mr.D.Veerasekaran, learned Standing Counsel appearing on behalf of respondents 2 and 3.

3. The relief that has been sought for by the writ petitioner is totally misconceived. The petitioner in the earlier round of litigation filed W.P.No.19611 of 2010 seeking for a direction to the Housing Board to cancel the allotment and also the sale and allot alternative plot of the same dimension under the same scheme or in some other scheme.

4. This writ petition was dealt with by this Court and ultimately was disposed of on 05.12.2019 in the following terms:

9. From the aforesaid facts, it is clear that the respondent has acted negligently and has not verified the dimensions of the Plots and laid out a plan of residential area without physically verifying the available area and got the plan sanctioned and also sold defective Plots to the Petitioner. The respondent allotted Plots



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to the petitioner with High Tension Tower and High Tension wires contrary to the sanctioned plan, thereby saddling the petitioner with unusable Plots. The petitioner has been deprived of enjoyment of property despite payment of the sale consideration under the Sale deeds mentioned supra. The respondent's act of allotting a plot with High Tension Tower and Wires is against law and endangers the life and safety of the petitioner.

10. For the foregoing reasons, this Court directs the respondent to refund the sale consideration to the petitioner paid under two Sale deeds registered as Document Nos.2431 of 2007 and 2432 of 2007 together with interest at 6% p.a. from the date of the sale deeds till the date of payment, within a period of eight weeks from the date of receipt of a copy of this order subject to the condition that the petitioner shall co-operate with the respondent for cancellation of the two Sale deeds standing in her name.

5.It is clear from the above order that this Court on considering the submissions made on either side directed the Housing Board to refund the sale consideration to the petitioner along with interest from the date of the execution of the Sale Deed till the date of payment.



6. Since the petitioner was not coming forward to execute the deed of re-conveyance, the Housing Board had to approach this Court and filed Cont.P.No.2236 of 2022 and the contempt petition was closed by order dated 21.04.2023 on the ground that no contempt is made out.

7. The petitioner has now come before this Court and has taken a different stand and is now seeking for No Objection Certificate from the Housing Board to sell the property. This relief sought for by the petitioner is contradicting the earlier relief that was sought for in W.P.No.19611 of 2010. The petitioner cannot be allowed to blow hot and cold and the petitioner having already taken a stand for cancellation of the Sale Deed and for refund of the amount, cannot be allowed to turn around and now seek for permission of the Housing Board to sell the plot.

8. In view of the above, the relief as sought for in the present writ petition cannot be granted by this Court. There shall be a direction to the petitioner to go over to the office of the 3rd respondent and take steps for the cancellation of the



earlier Sale Deed and for re-conveyance of the property. This shall be done

within a period of four weeks from the date of receipt of copy of this order. On

fulfilment of this condition, the Housing Board is directed to refund the entire

sale consideration along with the interest as was directed by this Court in

W.P.No.19611 of 2010, dated 05.12.2019 and such refund with interest shall be

made, within a period of four weeks thereafter.

9.This writ petition is disposed of in the above terms. No Costs.

27-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



To
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N.ANAND VENKATESH J.

SSR

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