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W.P.No.24020 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24020 of 2022

K.Mallika

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai, Chennai-05.

2.The Estate Officer,
Estate Office-8,
Tamil Nadu Urban Habitat Development Board,
Sivalingapuram, K.K.Nagar,
Chennai-78.

... Respondents

*(*R1 and R2, cause title suo motu amended vide order dated 10.06.2024 made in W.P.No.24020/2022*)*

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to execute the sale deed in favour of the petitioner herein in respect of the property situated at Plot No.108, Sivalingapuram, K.K.Nagar, Chennai-78, as per G.O.No.804 dated 23.09.1993 and pass appropriate orders.



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For Petitioner : Mr.T.S.Baskaran

For Respondents : Mr.G.Venkatesan

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ORDER

This Writ Petition has been filed to direct the first respondent to execute the sale deed in favour of the petitioner herein in respect of the property situated at Plot No.108, Sivalingapuram, K.K.Nagar, Chennai-78, as per G.O.Ms.No.804, Housing and Urban Department (H & UD) dated 23.09.1993.

2. The learned counsel appearing for the petitioner submits that the petitioner is residing in Plot No.108 situated in Sivalingapuram, K.K.Nagar, Chennai since 1987. Originally, the plot was allotted to one K.Narayana Rao by the first respondent vide proceeding dated 17.04.1984 and even before executing the sale in favour of K.Narayana Rao by the first respondent, he sold the plot in favour of the petitioner through an unregistered sale deed and since then, the petitioner is in possession and enjoyment of the plot and he made a representation to the first respondent stating the aforesaid facts and requested for re-allotment in her name and the first respondent passed an



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order on 27.03.1996 canceling the allotment in favour of Narayana Rao and directed the petitioner to pay a sum of Rs.660/- towards IDB and a sum of Rs.2,500/- towards damages as per G.O.Ms.No.804, Housing and Urban Department (H & UD) dated 23.09.1993 and accordingly, the petitioner has also remitted the aforesaid amounts. While so, the legal heirs of the original allottee/Narayana Rao filed O.S.No.6916 of 2005 before the City Civil Court, Chennai, seeking the relief of permanent injunction and it was dismissed on 04.08.2011, against which, an appeal was preferred in A.S.No.3 of 2012 and it was also dismissed and thereafter, the legal heirs of Narayana Rao filed W.P.No.29739 of 2011 before this Court challenging the cancellation of allotment on 27.03.1996 and the same was dismissed on 27.03.2015. Therefore, the petitioner submitted a representation on 18.04.2015 to the first respondent for executing the sale deed in her favour in respect of Plot No.108, Sivalingapuram, K.K.Nagar, Chennai. As there was no proper response from the first respondent, W.P.No.20292 of 2015 was filed and this Court, vide order dated 08.07.2015, directed the first respondent to consider and dispose of the representation dated 18.04.2015 and the first respondent disposed of the representation vide order dated



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24.11.2015 expressing inability to execute and register the sale deed in respect of the subject plot and stated that there is no guideline from the Government for fixing the value of the land and they are waiting for fixation of the land value and thereafter only, a sale deed would be executed in her favour. Thereafter, the petitioner filed W.P.No.40882 of 2025 challenging the said order and this Court directed the petitioner to approach the first respondent to redress her grievance. The petitioner also approached the respondents by submitting a representation dated 27.06.2022, however, there is no response. Hence, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submits that even after receiving the entire cost of the land and inspite of the fact that the respondents are bound to execute the sale deed as per G.O.Ms.No.804, Housing and Urban Department (H & UD) dated 23.09.1993, the first respondent is delaying the execution of the sale deed citing that the land value is yet to be re-assessed and thereby, depriving the petitioner of her right to the land and therefore, inspite of the fact that the petitioner has submitted a representation to the first respondent to execute the sale deed, however, the same has not received any response which has prompted the



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petitioner to file the present writ petition before this Court.

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4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. It is not in dispute that the petitioner purchased the land from the original allottee and she has also paid the entire cost of the land as early as on 17.04.1996. The petitioner has been in occupation of the land since 1987 and her occupation has also been regularized on the basis of G.O.Ms.No.804, Housing and Urban Department (H & UD), dated 23.09.1993. All these facts were not disputed. However, the first respondent is delaying the execution of the sale deed on the ground that the land value has to be re-assessed by the Government and orders are awaited in this regard. It is to be pointed out that when the entire cost has been received from the petitioner as early as in the year 1996 which has also been accepted by the first respondent, a duty is cast on the first respondent to execute the sale deed which has not been done till date and thereby causing detriment to the petitioner. In view of the fact that the petitioner has been in occupation of



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the land for more than 3 ½ decades and she has paid the entire cost of the land to the first respondent and her occupation has also been regularized, the representation of the petitioner has to be affirmatively considered. In such view of the matter, this Court is inclined to direct the first respondent to execute the sale deed.

6. Accordingly, this Writ Petition is disposed of directing the first respondent to fix the value of the land in terms of G.O.Ms.No.804, Housing and Urban Department (H & UD) dated 23.09.1993 within a period of eight weeks from the date of receipt of a copy of this order and upon such fixation, the first respondent is directed to execute the sale deed in respect of Plot No.108, Sivalingapuram, K.K.Nagar, Chennai-78, in favour of the petitioner within a period of eight weeks thereafter. There shall be no order as to costs.

25.09.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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To

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