



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 26967 of 2025

1. B.Jayanthi

W/o.Bhaskar

Petitioner(s)

Vs

1. The Superintendent /manager
Marketing Services),
Mugappair Division, Tamil Nadu
Housing Board, Chennai -600 101.

2.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai -600 035.

3.The Inspector General Of
Registration,
Registration Department, Santhome
High Road, Chennai -600 004.

4.The Sub Registrar,
Ambattur Sub Registrar Office,
Ambattur, Chennai -600 053.

5.N.Anandan,



S/o.Vairavan, No. 1885 Mig 3rd Main
Road, Mmda, Mathur, Manali,
Chennai -600 068.

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6.A.Dhanalakshmi,
W/o. Anandan, No. 1885 Mig 3rd Main
Road, Mmda, Mathur, Manali,
Chennai -600 068.

Respondent(s)

PRAYER

Directing the Respondent Nos. 1 to 4 herein to consider the Petitioner's representations on 01.07.2025 and 11.07.2025 to cancel the sale deed dated 18.01.2008 registered as Document No. 667 of 2005 and to issue fresh sale deed in favour of the Petitioner herein on payment of necessary Stamp Duty and Registration Charges, within the time frame to be fixed by this Court.

For Petitioner(s): Dr.G.Krishnamurthy

For Respondent(s): Mr.D.Veerasekaran for R1&2
Mr.E.Vijayanand
Additional Government Pleader for R3&4

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the Tamil Nadu Housing Board to consider the representation made by the petitioner and to issue fresh sale deed in favour of the petitioner.

2. The 1st respondent has filed a counter affidavit. In the counter affidavit, the Housing Board has taken the following stand,

3. I humbly submit that as per the abovesaid request



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made by the petitioner, a draft sale deed was issued in favour of the petitioner Tmt.B.Jayanti, represented by Power Holder Thiru.V.Anandan/5th respondent by the respondent Housing Board on 18.01.2008 for the Plot No.2126, LIG-II Type, Ambattur Phase I & II Scheme which extends up to 97.50 Sq.mtr (1049.48 Sq.ft). Previously, the petitioner had filed W.P.No.2605 of 2009 before the Hon'ble High Court of Madras praying for a direction that the first respondent to consider the representation dated 28.01.2009 of the petitioner and to cancel the sale deed in respect of property situated at Plot No.2126, Phase I and II, Tamil Nadu Housing Board, Ayappakkam, Chennai - 600 077 executed on 18.01.2008 in favour of the second respondent. The operative portion of the order dated 07.06.2010 stated as follows:-

"3. The petitioner does not dispute that she executed a Deed dated 16.05.2005 granting general power to the second respondent. In these circumstances, the Housing Board cannot be found fault for executing the Sale Deed in favour of the petitioner, represented by the second respondent as Power Agent. Further, it seems that the petitioner has already filed O.S. No. 60 of 2009 before the District Munsif Court, Ambattur relating to the Plot No.2126 referred to above. However, the filing of the said suit is not disclosed in the Affidavit. The Petitioner sought a direction to the respondent to dispose of his representation dated 28.01.2009.



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As stated above, the petitioner has already approached the Civil Court. Further, representation dated 28.01.2009 is not preferred under any statute or statutory rules. In these circumstances, I do not find any merit in the writ petition and the same is dismissed. It will not preclude the petitioner from pursuing the matter in the Civil Court. No costs. Consequently, connected Miscellaneous Petition is closed."

4. I humbly submit that the petitioner had submitted a letter dated 11.07.2025 to the respondent Housing Board stating that she had given power of attorney in favour of the Thiru.V.Anandan/5th respondent and that he had executed a sale deed dt.18.01.2008 through Document No.667 of 2008. Then blames the respondent Housing Board by stating that how Power Sale deed was executed when it should not be given. Further states, they are the one living in the subject property. The petitioner states that she approached the 4th respondent requesting for cancellation of Sale deed dt. 18.01.2008 through Document No.667 of 2008 issued in favour of the 5th respondent. However, the 4th respondent denied the request claiming it is executed based on the draft sale deed issued by the respondent Housing Board. Hence, the petitioner requested for cancellation of sale deed dt. 18.01.2008 through Document No.667 of 2008 and execute the sale deed in her favour.



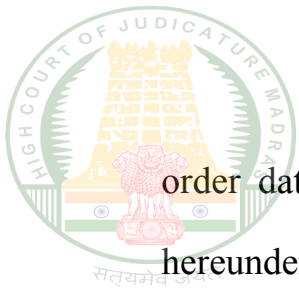
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5. I humbly submit that the draft sale deed was issued in favour of the petitioner Tmt.B.Jayanti, represented by Power Holder Thiru.V.Anandan/5th respondent by the respondent Housing Board on 18.01.2008 only as per request made by the petitioner by submitting an affidavit of Power Maker Tmt.B.Jayanthi/The Petitioner dt.11.01.2008. The said issuance of power of attorney and purpose behind it was already accepted by the petitioner. Apart from these, previously, the petitioner had filed W.P.No.2605 of 2009 before the Hon'ble High Court of Madras with the same prayer that is prayed in the present writ petition. Hence, this present writ petition is not maintainable either in law or on facts on the ground of res judicata. The Petitioner is approaching this Hon'ble Court twice on the same grounds of previous petition which is already settled. Therefore, the present writ petition is liable to be dismissed on this ground alone. Further, if the representation of the Petitioner is considered favourably, it may lead to opening of floodgates from similarly placed persons which would be very hard to resist and it would send out wrong signal outside and set bad precedent, besides causing ripple effect.”

3. Heard Dr.G.Krishnamurthy, the learned counsel for the petitioner and Mr.D.Veerasekaran for the 1st and 2nd respondents and Mr.E.Vijayanand, the learned Additional Government Pleader for the 3rd and 4th respondents.

4. It is seen from the records that the petitioner had earlier approached this Court and filed W.P.No.2605 of 2009. This writ petition was dismissed by



order dated 07.06.2010 and the relevant portions of the order are extracted

hereunder,

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“The petitioner was allotted Plot No.2126, L.I.G.II, Ayappakkam Phase I and II, by the Tamil Nadu Housing Board, the first respondent Sale Deed dated herein. Later, the first respondent executed Since the petitioner 18.01.2008 in favour of the petitioner. executed the Power of Attorney in favour of the second respondent, the Sale Deed was executed in favour of the petitioner represented by the Power of Attorney, the second respondent.

2.It seems that the second respondent thereafter executed a Sales to the firs Deed in favour of his wife. In these circumstances, the petitioner has made a representation, dated 28.01.2009, to the first respondent/Housing Board to remove the name of the second respondent representing the petitioner as Power Agent in the Sale deed, dated 18.01.2008.

3. The petitioner does not dispute that she executed a Deed dated 16.05.2005 granting general power to the second respondent. In these circumstances, the Housing Board cannot be found fault for executing the Sale Deed in favour of the petitioner, represented by the second respondent as Power Agent. Further, it seems that the petitioner has already filed O.S.No.60 of 2009 before the District Munsif Court, Ambattur relating to the Plot No.2126 referred to above. However, the filing of the said suit is not disclosed in the Affidavit. The petitioner sought a direction to the respondent to dispose of his representation dated 28.01.2009.



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As stated above, the petitioner has already approached the Civil. Further, the representation dated 28.01.2009 is not preferred under any statute or statutory rules. In these circumstances, I do not find any merit in the writ petition and the same is dismissed. It will not preclude the petitioner from pursuing the matter in the Civil Court. No costs. Consequently, connected Miscellaneous Petition is closed.”

5. Pursuant to the above order, a suit came to be filed by the wife of the 5th respondent against the petitioner in O.S.No.173 of 2009 and the suit is said to have been dismissed.

6. The specific case of the petitioner is that the 5th respondent has misused the sale deed that was executed in favour of the petitioner and has created an encumbrance in favour of his wife by misusing his capacity as the agent.

7. The Housing Board has taken a very specific stand that the sale deed has already been executed in favour of the petitioner. If the 5th respondent has misused his capacity as the agent and has alienated the property, as held in the earlier order, the petitioner has to approach the concerned Court and seek for declaration to declare the sale deed as null and void. The petitioner cannot once again approach the Housing Board and seek for one more sale deed in favour of



the petitioner. This relief sought for by the petitioner is misconceived.

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8. In view of the above, it is left open to the petitioner to agitate the dispute before the Civil Court and seek necessary relief.

9. This writ petition is disposed in the above terms. No costs. Consequently the connected miscellaneous petitions, if any, are closed.

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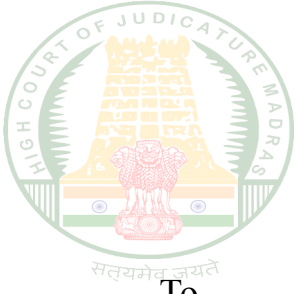
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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N.ANAND VENKATESH J.

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