



W.P.(MD)No.2767 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.2767 of 2025

S.Santhi

: Petitioners

Vs.

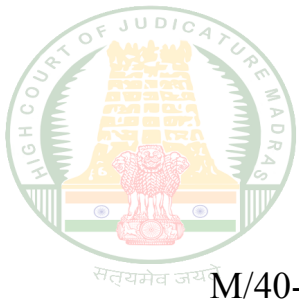
1. State of Tamil Nadu,
Rep. by its Principal Secretary to the Government,
Housing and Urban Development,
Fort St. George, Chennai 600 009.

2. Tamil Nadu Housing Board,
Rep. by its Managing Director,
Anna Salai, Nandanam,
Chennai 600 035.

3. The Executive Engineer and Administrative Officer,
Ellis Nagar,
Tamil Nadu Housing Board,
Madurai Housing Board,
Madurai District 625 010.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to execute a registered sale deed for the Plot comprised in Rani Mangammal Colony -2, consists of 3446.3 Square feet located in between House No.



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M/40-O and M/40-L as per allotment order of the respondent in G.o.2D No. 175 dated 04.09.2003.

For Petitioners : Mr.T.Leninkumar

For Respondents : Mr.C.Venkatesh Kumar

Special Government Pleader for R1

Mr.R.Sivakumar for R2 and R3

ORDER

The petitioner has filed this Writ Petition seeking a mandamus, to execute a registered sale deed for the Plot comprised in Rani Mangammal Colony - 2, consists of 3446.3 Square feet, located in between House Nos. M/40-O and M/40-L, as per allotment order of the respondent in G.o.2D No. 175, dated 04.09.2003.

2. The grievance of the petitioner is that, despite being allotted plots on 04.09.2003 by the second respondent, the allotment was cancelled by the Government Order dated 14.08.2006. Though she sent several representations to the respondents, the same have not been considered. Left with no other option, she filed the present Writ Petition.



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3. When the matter was taken up for hearing today, the learned counsels on both sides submitted that a similar issue had already been dealt with by this Court in W.P.(MD) No. 626 of 2021. The relevant portion of the order is extracted below:

“5. When the matter was taken up for hearing, the latest order that was passed in review application in Rev.Aplc(MD) No.146/2021 dated 16.06.2023 was brought to the notice of this Court. In that case, several persons, who are similarly placed like that of the petitioner had made similar request for the allotment of plots and the same was rejected by the housing board. Even in the instant case, the learned counsel appearing for the housing board submitted that the request made by the petitioner was rejected. Against the rejection orders, writ petitions were filed before this Court and the same came to be dismissed and the Division Bench had also confirmed the same in the writ appeal. It is under these circumstances, the review application came to be heard by the Division Bench in Rev.Aplc. (MD) No.146/2021. This Court, after considering the earlier orders passed and also the facts and circumstances of the case, evolved



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the methodology to be followed in cases of this nature and for proper appreciation, the relevant portion is extracted hereunder:

“7. We find that the same methodology could be followed in the case of the petitioner also. The sale deeds that were executed in favour of the other persons, have also been produced and the amount that they were paid is reflected in the said sale deeds. The petitioner will also be required to pay the said amount as reflected in the sale deeds in favour of the other allottees along with interest at 9% on the amount shown as consideration in the sale deed from 01.05.2016 till date of payment and upon payment of the consideration, the Housing Board will execute the sale deeds within 30 days from the date of payment of the consideration. The petitioner will bear the costs of the sale also.”

6. In the light of the above development, it is not necessary to go into the other issues involved in this case and it will suffice to merely follow the above order passed by the Division Bench in Review application No. 146/2021.

7. In the result, this writ petition is disposed of with a direction to the petitioner to make a fresh representation to the second and third respondents



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seeking for the allotment of the plot. The 2nd and 3rd respondents shall take note of the order passed in the review application and fix the sale consideration payable as per the methodology evolved. On such fixation of amount, if the petitioner pays the amount, the sale deed shall be executed in favour of the petitioner. This process shall be completed within a period of eight weeks from the date of receipt of a copy of this order.”

4. It is undisputed that the petitioner was allotted a plot, but the allotment order was later cancelled by the second respondent. Therefore, in the light of the order dated 10.10.2023, the petitioner is instructed to submit a fresh representation to the respondents 2 and 3 requesting for allotment of the plot. The respondents 2 and 3 shall consider the review application's order dated 16.06.2023 as well as the order dated 10.10.2023 and determine the sale consideration. Once the sale consideration is determined and if the petitioner pays the amount, the sale deed will be executed in the petitioner's favor. This entire process should be completed within eight weeks from the date of receipt of a copy of this order.



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5. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs.

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Index : Yes / No

Internet : Yes / No

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