



W.P.No.6270 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6270 of 2026

J.Santhanalakshmi

... Petitioner

Vs.

1.Tamil Nadu Housing Board,
Represented by its Chairman,
TNHB Office Complex,
1st Main Road, CIT Nagar,
Chennai – 600 035.

2.Tamil Nadu Housing Board,
Represented by its Managing Director,
TNHB Office Complex,
1st Main Road, CIT Nagar,
Chennai – 600 035.

3.T.Udaya Kumar

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Tamil Nadu Housing Board represented by the Chairman and Managing Director the respondents 1 and 2 herein to issue a No Objection Certificate to the third respondent to execute the sale deed for the 516 sq.ft. of undivided share in the subject land comprised in O.S.Nos.39/1, 2, 3 Part, 295/1 and 2, 296 Part and 297/1 Part T.S.No.14/2 Part, Block No.129,



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measuring an extent of 39264 sq.ft. (90 cents), Kodambakkam Village, Mambalam-Guindy Taluk, Chennai in the name of the petitioner pursuant in the agreement of sale dated 23.01.2007 entered into between the husband of the petitioner and the third respondent.

For Petitioner : Ms.Nalini Chidambaram
Senior Counsel
for M/s.C.Uma
For Respondents : Mr.A.M.Ravindranath for R1, R2
Standing Counsel

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to issue No Objection Certificate to the third respondent to execute the sale deed for the 516 sq.ft. of undivided share in the subject land comprised in O.S.Nos.39/1, 2, 3 Part, 295/1 and 2, 296 Part and 297/1 Part T.S.No.14/2 Part, Block No.129, measuring an extent of 39264 sq.ft. (90 cents), Kodambakkam Village, Mambalam-Guindy Taluk, Chennai, in the name of the petitioner pursuant in the agreement of sale dated 23.01.2007 entered into between the husband of the petitioner and the third respondent.

2.The learned Senior Counsel appearing for the petitioner



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submitted that the land measuring 90 cents in Survey No.297/1, Kodambakkam Village, Mambalam-Guindy Taluk, Chennai [hereinafter referred to as 'subject property'] belong to the Tamil Nadu Housing Board and without knowledge that the subject property belong to the Tamil Nadu Housing Board, the third respondent purchased the property from the so called erstwhile owners for a valuable consideration of Rs.3 Crores. The third respondent approached CMDA for reclassification of the subject property from institutional zone to residential zone and CMDA published Notification dated 09.11.2005 in the Government Gazette reclassifying the subject land from institutional zone to residential zone. The third respondent thereafter issued advertisement dated 13.11.2005 in the newspaper calling for applications for purchase of flats in the housing project to be developed by the third respondent in the subject property and the plan was approved by CMDA on 20.03.2006 and necessary plan sanction was also issued by Chennai Corporation vide sanction order dated 05.04.2006 for construction of three floors in the subject property.

3.The learned Senior Counsel appearing for the petitioner further submitted that the third respondent put up a multistorey building by name Metropolis in the subject property and the



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petitioner's husband purchased flats in the said building. The petitioner's husband entered into sale agreement dated 23.01.2007 with the third respondent and two others who were joint owners of the subject property under which it was agreed that 516 sq.ft. of undivided share in the subject property will be sold to the petitioner's husband and on the same day, a construction agreement was entered into between the petitioner's husband and M/s.Land Mark Construction under which it was agreed that Flat No.T15, B Block in the third floor of an area of 1030 sq.ft. will be constructed for a value of Rs.22,29,252/- and after construction, the flat was handed over to the petitioner's husband.

4.The learned Senior Counsel appearing for the petitioner further submitted that the patta issued to the third respondent for the subject property was set aside by this Court in a Public Interest Litigation on 05.10.2010 and the matter went up to Hon'ble Supreme Court in S.L.P.Nos.19368 – 19369 of 2007 [later renumbered as C.A.Nos.5414 – 5415 of 2010] by order dated 02.11.2007 directed the third respondent to deposit Rs.5 Crores with the Tamil Nadu Housing Board. The learned Senior Counsel further submitted that the petitioner's husband purchased Flat No.T-15 in Block No.B renumbered



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as BT-7 in the third floor of Metropolis by paying sale consideration for the undivided share of the land measuring 516 sq.ft. to the third respondent and also paid the cost of construction to M/s.Land Mark Construction and further submitted that when Tamil Nadu Housing Board received Rs.5 Crores from the third respondent, there is no legal impediment for the respondents to execute sale deed in respect of 516 sq.ft. of undivided share in the subject property in favour of the petitioner.

5.The learned Standing Counsel appearing for the respondents 1 and 2 submitted that the issue in the writ petition was already settled by the Hon'ble Supreme Court, wherein the Hon'ble Supreme Court approved only with regard to 54 flats for which sale consideration was paid by the third respondent to Tamil Nadu Housing Board as per the direction of the Hon'ble Supreme Court and further submitted that 90 cents of land was not mentioned in the order of the Hon'ble Supreme Court. If at all the petitioner wants No Objection Certificate, the petitioner has to file petition seeking clarification before the Hon'ble Supreme Court and not before this Court by way of writ petition.



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6. Heard the arguments advanced on either side and perused the materials available on record.

7. Admittedly, patta issued to the third respondent for the subject property was set aside by this Court in a Public Interest Litigation on 05.10.2010 and the matter went up to Hon'ble Supreme Court in S.L.P.Nos.19368 – 19369 of 2007 [later renumbered as C.A.Nos.5414 – 5415 of 2010]. It is useful to extract hereunder the relevant portion of the order of the Hon'ble Supreme Court in C.A.Nos.5414 – 5415 of 2010 dated 27.03.2025:

"5. *Nevertheless, we must comment that the TNHB is also not blameless, as it not only allowed the land in question to be occupied but even gave permission for construction, as a result of which several flats were constructed, and as many as 54 flats have been sold to third parties, some of whom were impleaded as respondent Nos. 12 to 64 before the High Court.*

6. *In fact, the Revenue authority, obviously with the knowledge of the TNHB, had issued Patta dated 10.06.2004 in the name of*



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the predecessors from whom, the appellant, T. Udaykumar, had purchased the property. This Patta was cancelled on 15.06.2006. We uphold the cancellation of the Patta dated 10.06.2004. Patta was also issued in favour of the appellant, T. Udaykumar, after he had purchased the rights from the erstwhile Patta holder, which too has been cancelled by the cancellation deed dated 15.06.2006.

7. *This Court, while issuing notice in the present appeals, vide order dated 02.11.2007, had directed that the appellant, T. Udaykumar, shall deposit ₹5 crores within six weeks with the TNHB, without prejudice to his rights and contentions. This Court had also directed that, out of 58 flats constructed in the disputed properties, 54 of which were allotted to the purchasers, who had also filed appeals before this Court, they would be permitted to occupy the flats, subject to the condition that they would undertake to abide by the result of the appeals, and would not alienate or part with the possession of the respective flat(s). Another direction given by the same order was that the remaining four flats, which had not yet been allotted, should remain with the appellant, T. Udaykumar.*



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8. *It is apparent that the appellant, T. Udaykumar, in violation of the order passed by this Court, allotted two out of the four flats to C.S. Jayaraman and Kalavalli Selvaraj. On a pointed question being put, it is accepted that payments for these two flats were received after the judgment of the High Court dated 05.10.2007 and the order of this Court dated 02.11.2007. We, therefore, reject the prayer for allotment of these two flats to the legal representatives or successors-in-interest of C.S. Jayaraman and Kalavalli Selvaraj. However, they are be at liberty to enforce their rights and claims against the appellant, T. Udaykumar, in accordance with law.*

9. *To balance out equities and keeping in view the fact that the TNHB itself is partly responsible for this imbroglio, and in order to protect the interests of innocent flat buyers whose transactions were completed long ago, we permit the said 54 flat buyers to continue to occupy and use their flats. They will be treated as absolute owners thereof. The sum of ₹5 crores deposited by the appellant, T. Udaykumar, shall be treated as sale consideration paid to the TNHB for the land on which the flats have been constructed.*



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10. *In addition, the TNHB will be entitled to sell the remaining four flats, which have not yet been transferred and sold.*

11. *We are informed that there may be more flats, which have been constructed in the property. It will be open to the TNHB to deal with the said flats and the remaining land, if any, in the manner it deems appropriate.*

12. *We also make it clear that we have not pronounced on or examined the question of the rights/claims, if any, of the appellant, T. Udaykumar, against the persons who had sold or transferred the land to him.*

13. *Recording the aforesaid and on the above terms, the appeals are disposed of.*

14. *Pending application(s), if any, shall stand disposed of."*

8.Perusal of the above decision makes it clear that the Hon'ble Supreme Court permitted 54 flat buyers whose transactions completed long ago to continue to occupy and use their flats, however, the petitioner is not coming under the 54 flat buyer and title was not conferred by the Hon'ble Supreme Court. Hence, the relief sought for



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in this writ petition is not permissible and the remedy available to the petitioner is to approach the Hon'ble Supreme Court by way of clarification petition or before the civil Court against the third respondent and not before this Court by way of writ petition.

9.The writ petition is dismissed. No costs.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

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M.DHANDAPANI,J.
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