



WEB COPY



W.P.No.31202 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 31202 of 2025

Dr. N. Tamilselvi

...petitioner

Vs.

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

2. The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex,
E & C Market Road,
Koyambedu, Chennai - 600 107.

3. The Executive Engineer & Administrative Officer,
K.K.Nagar Division,
Tamil Nadu Housing Board,
Anna Nagar,
Chennai - 600 040.

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4. The Manager,
Marketing and Service,
K.K.Nagar Division,
Tamil Nadu, Anna Nagar,
Chennai 600 040.

...respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Mandamus, directing the respondents to allot an alternative plot for the plot bearing No.1940, LIG-11, measuring an extent of 1050 square feet situate in Kakkalur Village, Tiruvallur Taluk, Tiruvallur District, by executing a sale of the alternative site in favour of the petitioner at its expenses to pay the compensation of Rs.1,00,00,000/- (Rupees One Crore Only) to the petitioner by considering the petitioner's representation dated 25.06.2025.

For petitioner : Mrs. Karthikaa Ashok

For respondent 1 : Ms. P.Aishwarya
Government Advocate

For respondents : Mr. D.Veerasekaran
2 to 4 Standing Counsel



ORDER

This writ petition is filed for the following relief:

“To direct respondents to allot an alternative plot for the plot bearing No.1940, LIG-11, measuring an extent of 1050 square feet situate in Kakkalur Village, Tiruvallur Taluk, Tiruvallur District, by executing a sale of the alternative site in favour of the petitioner at its expenses to pay the compensation of Rs.1,00,00,000/- (Rupees One Crore Only) to the petitioner by considering the petitioner’s representation dated 25.06.2025.”

2. The person who has purchased the property from one who did not have title to the property is before this Court seeking a mandamus to the respondents to allot her with an alternative site measuring an extent of 1050 sq.ft., along with a compensation of a sum of Rs.1,00,00,000/-. The facts are as follows.



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3. The property in question which is plot No.1940, LIG-11, measuring an extent of 1050 sq.ft., was originally allotted to one Chandrasekaran, under an allotment order dated 22.04.1994. On 23.07.1996, the allotment was cancelled and the property was re-allotted to one V.Siva Kumar, under an allotment order dated 31.03.2006. On 31.07.2006, the said plot was also handed over to the said Siva Kumar and a lease cum sale agreement was executed in favour of the said Siva Kumar on 09.03.2007.

4. It appears that the original allottee Chandrasekaran has filed a suit OS.No.349 of 2006, on the file of the District Munsif, Tiruvallur, against the respondent board for specific performance, directing the defendants therein to execute a sale deed in favour of the plaintiff after receiving the balance amount. The suit was decreed ex parte as the defendants have failed to contest the said suit by Judgement dated 12.10.2007. The said decree was not challenged.



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5. It appears that it is after the suit was decreed that the said Siva Kumar has executed a general power of attorney dated 17.08.2009 in favour of one P.Elangovan for selling the property and as a power agent of the said Siva Kumar, the said Elangovan had also sold the property to his wife, the petitioner herein under a registered sale deed dated 11.09.2009.

6. It also transpires that on 5th September 2014, the sale deed was also executed by the District Munsif, Tiruvallur, in favour of the original allottee Chandrasekaran vide orders in EP.No.13 of 2013. The lease deed in favour of the petitioner's vendor has been executed after the decree in OS.No.349 of 2006 and the said decree has not been challenged by the board or by the vendor of the petitioner.

7. In the light of the decree passed in favour of the original allottee Chandrasekaran and the sale deed having been executed in his favour pursuant to the execution proceedings, the remedy available to the petitioner is not by way of a mandamus to the respondents. The



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petitioner has to first establish her title to the property, which title has to be established only before the Civil Court.

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8. Therefore, this writ petition is dismissed. It is well open to the petitioner to challenge the proceedings as advised to establish her title to the property. No costs.

27.01.2026

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To

1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.

2.The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex,
E & C Market Road,
Koyambedu, Chennai - 600 107.

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