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WP No. 28615 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 28615 of 2023

AND

WMP Nos. 28163 & 28164 of 2023

Lay Apostolate Divine Word Society

Rep. by its Secretary

Binny Lawrence

No.803, 63rd Street, 10th Sector,

K.K. Nagar, Chennai - 600 078.

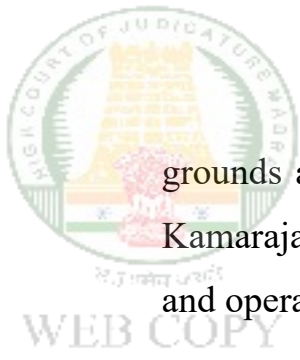
..Petitioner

Vs

1. The Principal Secretary to the Government
Housing and Urban Development Department,
Secretariat, Fort St George, Chennai - 600 009.
2. The Managing Director
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 034.
3. The Executive Engineer and Administrative Officer,
K.K. Nagar Division,
Tamil Nadu Housing Board
Ashok Nagar Shopping Centre,
Chennai - 600 083.

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records direction pertaining to Proceedings No. Allot 1(5)/22252/2022, dated 22.08.2023, issued by the 2nd respondent and quash the same as arbitrary and illegal and direct the respondents Nos.2 and 3 to execute a sale deed in favour of the petitioner's Society in respect of Plot No.21, measuring 8466sq.ft (3



grounds and 1266 sq.ft) which is part of Survey No.55/1A and 1B, located in Kamarajar Salai, K.K.Nagar, Chennai-600 078, for the purpose of establishing and operating a public charitable dispensary and pass orders.

For Petitioner:

Mr.N.L.Rajah, Senior Counsel
Assisted by Mr.D.Ferdinand
of M/s.BFS Legal

For Respondents:

Mr.V.Jeevagiridharan
Additional Government Pleader for R1

Mr.D.Veerasekaran, Standing Counsel [TNHB]
for R2 & R3

ORDER

The petitioner seeks to quash the proceedings of the second respondent dated 22.08.2023, and consequently to direct the respondents 2 and 3 to execute the sale deed in favour of the petitioner Society in respect of the subject property.

2.The short facts are as follows :

- a) The petitioner-Society is a voluntary service organisation, established in the year 1981, with an object of serving the needy and deserving community.
- b) The petitioner Society was provisionally allotted a vacant cement godown in Kamaraj Salai, K.K.Nagar, Chennai, measuring an extent of 8,466 sq.ft., at the cost of Rs.6,84,335/-. The allocation



was made by the Tamil Nadu Housing Board, the 3rd respondent, in the year August 1993 and the petitioner-Society was required to pay 25% of the allotted plot amount of Rs.1,72,000/-, which was also promptly complied by the petitioner, through two cheques dated 19.08.1993. Thereafter, Lease-cum-Sale Agreement was executed by the 3rd respondent in favour of the petitioner-Society.

- c) However in the year 1993, some third parties have filed W.P.Nos.16791 and 16820 of 1993, to cancel the allotment order given in the name of the petitioner-Society. However, the said writ petitions came to be dismissed on 11.07.2003.
- d) The petitioner would submit that they have been paying the monthly instalments and the balance amount due to the respondents was paid by the petitioner-Society and the last of which was paid by cheque dated 05.11.2003 for a sum of Rs.9,540/-. Since the entire sum had been paid, the petitioner-Society sent a letter on 04.12.2003 to the 1st respondent stating the entire sale consideration had been paid and no amount was payable.
- e) The physical possession of the property was handed over to the petitioner-Society as early as on 26.08.1993 and to date, it is being maintained and protected by the petitioner-Society. Since the sale deed had not been executed for the subject property, the petitioner was unable to put up a construction.



- f) Despite petitioner's representations dated 04.12.2003, 12.01.2004, 05.05.2004 and 24.08.2004, the sale deed was not executed by the respondents. Therefore, the petitioner-Society had filed W.P.No.35947 of 2004 before this Court, to direct the respondents 2 and 3, to consider the above representations and pass orders. The Court had allowed the writ petition on 08.12.2004, directing the respondents to pass appropriate orders within 18 weeks.
- g) The second respondent instead of executing the sale deed in favour of petitioner-Society, had cancelled the allotment on 14.12.2005. This was challenged by the petitioner by filing W.P.No.41327 of 2005. The petitioner had also filed W.P.No.4676 of 2006 for a direction to the second respondent to execute the sale deed in favour of the petitioner-Society. By a common order dated 19.04.2011, this Court had set aside the cancellation of allotment and directed the respondents 2 and 3 to issue show cause notice to the petitioner-Society and pass orders based on the reply from the petitioner-Society.
- h) In compliance of the orders of this Court, the 2nd respondent issued show cause notice dated 08.01.2014, contending that the 3rd respondent had returned the payment made by the petitioner-Society vide cheque bearing No.918771 dated 08.10.1993, therefore, the petitioner was asked to show cause as to why the



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allotment order should not be cancelled. The petitioner sent a detailed reply on 25.01.2014, setting out the vital facts that during the period when the interim injunction was in force, only one payment that was made by the petitioner was returned by the 3rd respondent whereas the subsequent payments made by the petitioner was received by the respondents 2 and 3, without any hesitation. Despite receiving a reply to the show cause notice from the petitioner, the respondents have not passed any final orders.

- i) Since no action was taken by the respondents to execute the sale deed in favour of the petitioner-Society, despite its several representations, the petitioner was constrained to file W.P.No.27778 of 2016. This writ petition was dismissed on the ground of laches and challenging the same, the petitioner had filed a review application in Rev.Aplw. No.147 of 2023 and the same was allowed on 23.03.2023, directing the respondent-Board to pass final orders as expeditiously as possible.
- j) While so, on 22.08.2023, the 2nd respondent has passed the impugned order cancelling the allotment granted to the petitioner-Society, on the ground that the petitioner had not utilised the property for the purpose for which it was allotted viz., running a free dispensary for the poor and down trodden.



Aggrieved by the impugned order, the petitioner is before this Court.

3. Heard the learned counsel on either side and this Court, also perused the materials placed before it.

4. The reason that has been given for cancelling the allotment is on the ground that the petitioner has not utilised the property for the purpose for which it was allocated. The order clearly exposes the total non-application of the mind on the part of the 2nd respondent. Immediately after grant of allotment to the petitioners, the allotment was challenged by third parties in W.P.Nos.16791 and 16820 of 1993, and the said writ petitions came to be dismissed on 11.07.2023. The petitioner had paid the balance sale consideration by 05.11.2003 and in this regard, the petitioner had addressed a letter to the respondent on 04.12.2003 stating that no due exists as against the said allotment. Thereafter, when the petitioner had called upon the respondents to execute the sale deed in their favour, it was not adhered to by the respondents 2 and 3, and aggrieved by the same, the petitioner had filed W.P.No.35947 of 2004, and this Court by order dated 08.12.2004, directed the respondents to consider the petitioner's representations. However, the second respondent instead of complying with the order of this Court, had passed an order cancelling the allotment vide order dated 14.12.2005. This was questioned in W.P.No.4676 of 2006 and the writ petition was disposed with positive directions on 19.04.2011. Thereafter, the



second respondent had issued the show cause notice dated 08.01.2014, stating that the payments made by the petitioner had been returned through a cheque and therefore, why the allotment should not be cancelled. In reply, the petitioner had sent a detailed reply on 25.01.2014. However, the petitioner's reply was not considered and orders have not been passed, thereby, constraining the petitioner to file W.P.No.27778 of 2016, which was dismissed by this Court on the ground of laches alone. Against the dismissal, the petitioner preferred a review application in Rev.Appln.No.147 of 2022, and the same was disposed of directing the TNHB authorities to pass final orders, which had culminated in passing the impugned order.

5. A perusal of material records would show that from the date of allotment, the petitioner has been subjected to one proceedings or the other and that no sale deed was not executed in their favour. Therefore, the petitioner is not in a position to put up a construction without executing a sale deed in their favour. Admittedly, the entire amount has been paid by the petitioner-Society and it was decided by the authorities to allot the property to the petitioner-Society, for running a free dispensary, and accordingly it was granted. But on the contrary, the second respondent would claim that they have returned the amount payable by the petitioner even as early as on 1993, which is a new stand taken by the respondents. The contention of the respondents that the petitioner had not complied with the conditions relating to allotment, vis-a-viz., no free



dispensary was run by the petitioner in the subject property, cannot be countenanced, in view of the impugned proceedings. Therefore, the impugned order cannot be sustained and it is accordingly quashed. The respondents 2 and 3 are directed to execute the sale deed in favour of the petitioner within a period of three weeks from the date of receipt of a copy of this order.

6. In terms of the above observation and directions, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

12-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

DS

To:

1. The Principal Secretary to the Government
Housing and Urban Development Department,
Secretariat, Fort St George, Chennai - 600 009.
2. The Managing Director
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 034.
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