



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.8755 of 2013

K.A.Neelakantan

...Petitioner

Versus

The Executive Engineer,
Hosur Housing Unit,
The Tamilnadu Housing Board,
Hosur,
Krishnagiri District.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to execute a registered Sale Deed in my favour with regard to the house building bearing Door No.22 under the Special Low Cost Housing Scheme at Dharmapuri in Dharmapuri District.

For Petitioner : Mr.S.Subramanian

For Respondent : Mr.R.Bharath Kumar

O R D E R

The relief sought for in this writ petition is to direct the respondent to execute a registered Sale Deed in favour of the petitioner with regard to the house bearing Door No.22 allotted under the Special Low Cost Housing Scheme at Dharmapuri.

2. According to the petitioner, the subject house property was allotted to him through letter dated 20.09.1975, on the basis of the application made by her daughter N.Banumathi. From the date of delivery of possession, he was in peaceful possession and enjoyment of the same. While so, her daughter died on 16.09.1986 and thereafter, her husband claimed right over the said house, which compelled the petitioner to institute a suit in O.S.No.466 of 1991 before the District Munsif, Dharmapuri. The said suit was decreed in favour of the



petitioner, on 24.01.1993. In the mean time, pursuant to the letter dated 23.02.2011 sent by the respondent, the petitioner paid the balance amount of Rs.37,413/- in respect of the subject house property. However, no sale deed was executed in his favour, which constrained to him to make a representation dated 08.01.2012 to the respondent. Since the said representation was not considered till date, he has come up with this writ petition for the aforesaid relief.

3. Upon notice, the respondent filed a detailed counter affidavit, inter alia stating that the petitioner's daughter Banumathy applied for allotment of plot under Special Lower Cost Housing Scheme at 'A' Jettihalli Village, Dharmapuri District to the respondent. Pursuant to the same, she was allotted the SLC House no.22 and after payment of 1/10th cost, the possession was handed over to her on 01.10.1975. After her demise on 16.09.1986, her husband R.Sathiyamurthy requested the respondent to transfer the said house property in his favour. Since the husband of the allottee got remarried, the respondent suggested him to execute the sale deed jointly in favour of the husband and minor daughter of the original allottee. Subsequently, based on the consent letter given by the said R.Sathiyamurthy, the respondent has effected name transfer in favour of both the husband and minor daughter, in respect of the subject house property. While so, the petitioner filed a suit in O.S.No.466 of 1991 and obtained a decree in his favour. Challenging the same, the respondent filed I.A.No.690 of 2004 in O.S.No.466 of 1991, which was dismissed on 08.04.2005. Subsequently, the petitioner filed EP.No.1 of 2004 in O.S.No.466/1991, which was closed on 24.11.2008, since REA No.38 of 2008 filed by the respondent is pending. Thereafter, the daughter of the original allottee sent a representation dated 18.06.2012 to the respondent to execute sale deed jointly in favour of herself as well as her father and hence, the claim of the petitioner is pending for consideration.

4. When the matter was taken up for consideration, the learned counsel for the petitioner submitted that though the petitioner paid the balance amount in respect of the subject house property and he obtained a civil court decree, the respondent has not executed sale deed in his favour. In this regard, he submitted a representation dated 08.01.2012 to the respondent, which was not considered, till date. Hence, the learned counsel submitted that it would suffice, if the said representation is directed to be disposed of by the respondent, within a time frame to be stipulated by this Court.

5. The learned counsel for the respondent has no serious objection for granting such relief to the petitioner.

6. In view of the limited relief now sought by the learned



counsel for the petitioner, which has not been seriously opposed on the side of the respondent, this Court without going into the merits of the case, directs the respondent to consider the petitioner's representation dated 08.01.2012 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as all the necessary parties, within a period eight weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS-V)

// True Copy//

Sub Assistant Registrar

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To:

The Executive Engineer,
Hosur Housing Unit,
Tamilnadu Housing Board,
Hosur, Krishnagiri District.

+1cc to Mr.S.Subramanian, Advocate, S.R.No.30742

W.P.No.8755 of 2013

VG-II(CO)
SU(31/08/2021)