



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 12339 of 2023

R.Selvaganesan

..Petitioner(s)

Vs

1. The Managing Director,
Tamil Nadu Housing Board, No. 493,
Anna Salai, Nandanam,
Chennai - 600 035.
2. The Executive Engineer and Administrative
Officer,
Tamil Nadu Housing Board,
Anna Nagar/J.J.Nagar Division,
Chennai - 600 101.
3. The Manager-Marketing and Service,
J.J.Nagar Division, Tamil Nadu Housing Board,
Thirumangalam, Chennai - 600 101.

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent relating to the impugned letter dated 01/09/2022 in JJA3/136/1994 and quash the same and direct the 3rd respondent to issue a sale deed in favour of the petitioner in respect of original allotment of Plot No.136 of Mogappair Ari Land Bank Scheme, as per allotment order dated 25.01.1993 of the second respondent.

For Petitioner(s): Mr.K.N.Nataraj

For Respondent(s): Mr.D.Veerasekaran

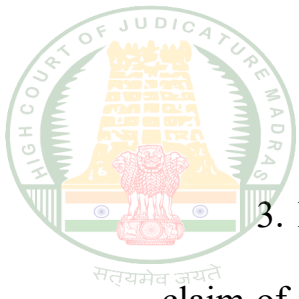


ORDER

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This writ petition is filed to call for the records of the 3rd respondent relating to the impugned letter dated 01/09/2022 in JJA3/136/1994 and quash the same and direct the 3rd respondent to issue a sale deed in favour of the petitioner in respect of original allotment of Plot No.136 of Mogappair Ari Land Bank Scheme, as per allotment order dated 25.01.1993 of the second respondent.

2. Learned counsel for the petitioner would submit that the petitioner resides in a house site measuring about 1800 sq.ft., in S.No.135, Koyambedu Village, which was burnt in a fire accident. Based on the representation of the residents, the second respondent by virtue of allotment order dated 25.01.1993, issued alternate house sites at Mogappair Eri Land Bank Scheme and the petitioner was allotted with Plot No.136. Therefore, the petitioner sought permission from the second respondent to put up superstructure in the alternative site. However, no order was passed. After many reminders, the third respondent has issued the letter dated 01.09.2022 in JJA3/136/1994 by rejecting the petitioner's claim on the ground that the petitioner has encroached the Government land in S.No.135 of Koyambedu Village. Challenging the said letter dated 01.09.2022, the petitioner has come forward with the present writ petition.



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3. Learned counsel appearing for the respondents would submit that the claim of the petitioner is not maintainable since the alternative allotments were considered only to the persons affected by fire incidents occurred in S.Nos.137/1, 138/1, 139/1, 139/3 and 139/4 of Koyembedu Village, which was acquired by TNHB through award No.15/67 for the formation of schemes. But the petitioner bought the land in S.No.135 from one Mr.S.Sivaraman, which is related to the Highways Department. Since the petitioner has encroached the said land, the respondents refused to allot the plot No.136 on his favour.

4. Heard the learned counsel on either side and perused the materials available on record.

5. The main grievance of the petitioner is that, though the allotment order was issued as early as on 25.01.1993, till date, the respondents have not come forward to executed a sale deed in favour of the petitioner, in respect of plot No.136. According to the respondents, the petitioner has encroached the Government land in Koyambedu, which belongs to Highways Department and at the time of fire accident, the said aspect was not came to their knowledge and hence, an allotment order was issued to the petitioner. Later, on knowing about the encroachment, they refused to execute a sale deed by virtue of impugned order dated 01.09.2022.



6. There is no dispute regarding the fire accident in Koyambedu, where the petitioner initially resided. Based on this event and an enquiry confirming the petitioner's landless status, the second respondent allotted a house site at Plot No.136, Mogappair Eri Land Bank Scheme. However, by an order dated 01.09.2022, the third respondent refused to execute the sale deed, alleging that the petitioner had encroached upon Government land in Koyambedu. This Court fails to understand how the respondents, having previously classified the petitioner as a 'landless poor' person to justify the allotment, can now take a contradictory stand. Even if the petitioner was an encroacher, he remains a landless person entitled to alternative land. Furthermore, the petitioner has resided at S.No.135, Koyambedu Village, for over 20 years. Without considering all these aspects, the third respondent has passed the impugned order, which is liable to be quashed and the same is hereby quashed.

7. In the result, this writ petition stands allowed with a direction to the third respondent to execute a sale deed in favour of the petitioner in respect of original allotment of Plot No.136 of Mogappair Eri Land Bank Scheme, as per allotment order dated 25.01.1993 of the second respondent, within a period of three weeks from the date of receipt of a copy of this order. However, it is made clear that if the said land is required for Highways Department, the respondents can very well provide any alternative land along with suitable compensation for the building constructed by the petitioner. No costs.



List the case on 01.07.2026 under the caption "For Reporting Compliance".

10-04-2026

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

VM

To:

1. The Managing Director,
Tamil Nadu Housing Board,
No. 493, Anna Salai, Nandanam,
Chennai - 600 035.
2. The Executive Engineer and Administrative
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KRISHNAN RAMASAMY, J.

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