

G.Vasanthi Vs. the Executive Engineer

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Court : Chennai

Decided On : Aug-08-2011

Judge : Vinod K.Sharma, J.

Appeal No. : W.P.(MD)No.7183 of 2006

Appellant : G.Vasanthi

Respondent : The Executive Engineer

Advocate for Pet/Ap. : M/s.G.Thalaimutharasu, Adv.

Judgement :

1. The petitioner prays for issuance of a Writ in the nature of Mandamus, directing the respondent to issue sale deed in favour of the petitioner.

2. The petitioner applied for allotment of MIG House, No.14, Stage II, TNHB Quarters, V.M.Chatram,Tirunelveli-11 on 15.12.1997. The application filed by the petitioner was allowed and he was allotted MIG House No.14, Stage II, by order dated 05.01.1998. The petitioner paid initially Rs.89,600/-(Rupees Eighty nine thousand and six hundred only), at the time of allotment and balance along with interest at the rate of 16.5% in equal monthly instalments at Rs.2,950/- (Rupees Two thousand Nine hundred and fifty only) per month. The case of the petitioner is that on receipt of full and final payment, the respondent was under duty bound to issue the conveyance deed, in favour of the petitioner, but, it has not been issued,even after lapse of two and a half years.

3. It is the case of the petitioner, that the only reason for non- issuance of sale deed is, that certain cases filed by the land owners claiming additional compensation were pending in different courts, therefore, it was not possible to issue conveyance deed till the matters were finally adjudicated.

4. The case of the petitioner further is that, now all the cases has been decided and no case is pending and furthermore, the petitioner is willing to pay, if any additional amount if asked for, on account of the enhancement of compensation by the Courts. The pendency of cases cannot be a reason for the respondent to sit over the request of the petitioner, for executing conveyance deed.

5. Consequently, the Writ Petition is disposed of, with a direction to the respondent to dispose of the application filed by the petitioner, dated 28.7.2006. In case, the petitioner is entitled to issuance of conveyance deed, it be executed in his favour, within one month from the date of receipt of a certified copy of this order.

6. However, in case, for any reason, it is not possible to execute the conveyance deed the respondent is directed to pass a detailed speaking order giving reasons therefor.

7. The order, if any, be passed after giving an opportunity of hearing to the petitioner.

8. This be also done within one month of the date of receipt of a certified copy of this order.

9. No costs.

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