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W.A.No.1000 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WA No.1000 of 2026
and CMP No.10288 of 2026

P.Selvarani,
W/o.R.Pakkirisamy,
No.20, New Street, A.S.H.Colony,
Mannargudi-641001,
Thiruvarur District.

Appellant(s)

Vs

1. The Government of Tamilnadu
Rep.by its Secretary to the Government,
Housing and Urban Development
Department, Fort St. George,
Chennai – 600009.
2. The Tamil Nadu Housing Board
Rep. by its Chairman and Managing Director,
CMDA Complex, Koyambedu, Chennai-17.
3. The Executive Engineer
Administrative Officer,
Tamil Nadu Housing Board,
Thanjavur Housing Unit, Thanjavur-613005.

Respondent(s)



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PRAYER: Appeal under Clause 15 of the Letters Patent to set aside the order dated 27.06.2025 passed by the learned Single Judge in W.P.No.18741 of 2025.

For Appellant(s): Mr. R.T.Vishnu

For Respondent(s): Mr. M.Habeeb Rahman
Government Advocate for R1

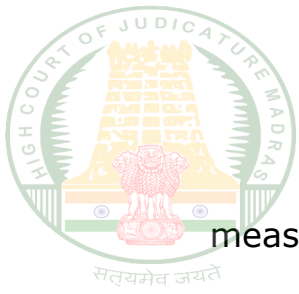
Mr. D.Veerasekaran
Standing Counsel
for R2 and R3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Assailing the order dated 27.06.2025 passed by the learned Single Judge in W.P.No.18741 of 2025, the unsuccessful writ petitioner has filed this appeal.

2.1. The case of the appellant is that the third respondent had formed an approved layout under the Small and Medium Town Scheme (SMT Scheme) for residential purpose comprised in T.S.No. 36/1, Ward 1, Block 3, Vadakkusethivattam, and invited buyers on outright purchase basis. The appellant purchased two plots



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measuring 143 sq.m. and 137.30 sq.m. described as Plot Nos.B68 and B69 vide two sale deeds dated 27.06.2007.

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2.2. It is stated that, upon purchase of the said plots, the appellant found out that a High Tension Transmission line was passing through her plot and, therefore, requested the respondents to allot alternate plot of same extent. Alleging that the respondents did not give ear to her request, the appellant filed W.P.No.19611 of 2010 seeking the said relief. A learned Single Judge of this court disposed of the writ petition vide order dated 5.12.2019 by directing the respondents to refund the entire sale consideration.

2.3. It is further stated that the third respondent filed Cont.P.No.2236 of 2022 alleging that the appellant has not come forward to cancel the sale deeds dated 27.06.2007. The contempt petition was dismissed by an order dated 21.04.2023 holding that the filing of contempt petition by the third respondent is impermissible.



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2.4. It is stated that the appellant thereafter sent a representation to the respondents requesting them to confirm the sale in her name by giving up the right to refund of sale consideration granted in the order dated 05.12.2019 made in W.P.No.19611 of 2010. As the said representation did not evoke any response, the appellant filed W.P.No.18741 of 2025.

2.5. The learned Single Judge, vide order dated 27.6.2025 impugned in this appeal, dismissed the writ petition directing the appellant to cancel the sale deeds in her name and further directing the respondents to refund the sale consideration. Hence, the present appeal.

3.1. Learned counsel for the appellant submits that the appellant had filed the earlier W.P.No.19611 of 2010 only for the relief of allotment of alternate plot in view of the non-disclosure of the fact that electric transmission line was passing through the subject property.



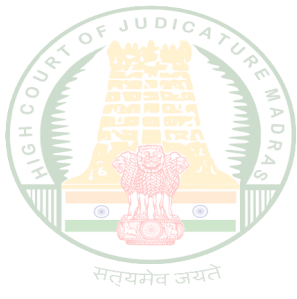
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3.2. It is further submitted that pursuant to the order dated 05.12.2019 made in W.P.No.19611 of 2010, the respondents did not take any action to return the sale consideration and, therefore, the appellant found a suitable purchaser to sell the subject property, but the respondents have objected to the same in view of the order passed in W.P.No.19611 of 2010. It is further submitted that the appellant is entitled to get No Objection Certificate from the respondents to sell the subject properties.

4. Learned counsel for the respondents reiterated the reasons which weighed with the learned Single Judge for dismissing the writ petition and submitted that the writ appeal is to be dismissed.

5. At the outset, it is apposite to refer to the prayer made in the first writ petition, viz., W.P.No.19611 of 2010, which reads thus:

*"Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the **respondent to cancel the allotment and sale of Plot Nos.B-68 & B-69 in S.M.T. Scheme at Thiruvarur by virtue of Sale Deeds***



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bearing Nos.2431 and 2432 of 2007 dated 27.06.2007 on the file of the Sub-Registrar, Thiruvarur and consequently allot alternative Plots of same dimensions under the same scheme or any other scheme available currently, award damages and costs."

[emphasis supplied]

6. The relevant portion of the order dated 05.12.2019 passed in W.P.No.19611 of 2010, reads thus:

"10. For the foregoing reasons, this Court directs *the respondent to refund the sale consideration to the petitioner paid under two Sale deeds registered as Document Nos.2431 of 2007 and 2432 of 2007 together with interest at 6% p.a. from the date of the sale deeds till the date of payment, within a period of eight weeks from the date of receipt of a copy of this order* subject to the condition that the petitioner shall co-operate with the respondent for cancellation of the two Sale deeds standing in her name."

[emphasis supplied]



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7. Assailing the said order, admittedly, the appellant herein did not file any appeal. Therefore, as on date, the aforesaid order directing the respondents to refund the sale consideration paid under two sale deeds to the appellant herein attained finality.

8. The above said finding is further fortified by the fact that, in the case on hand, strangely the third respondent filed a contempt petition alleging that the appellant has not complied with the aforesaid order passed in the first writ petition. The operative portion of the order dated 21.4.2023 passed in Contempt Petition No.2236 of 2022 reads thus:

"The above direction was given only to the Tamil Nadu Housing Board, for compliance. Merely because it is alleged that the respondent herein had not cooperated for cancellation of sale deeds, it would not be open for the Tamil Nadu Housing Board to claim that there was a disobedience of the direction which was given to them. At the most, this can be a reason to be assigned, for non-compliance of the order. Since the order was directed only against the Tamil Nadu Housing Board, filing of a contempt petition by the Board is impermissible. With the



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above observation, this Contempt Petition stands dismissed."

9. The stand now taken by the appellant that in the first writ petition the appellant only claimed the relief of allotment of alternate plot in view of the non-disclosure of the fact that electric transmission line was passing through the subject property cannot be countenanced in view of the prayer made in the first writ petition itself seeking to cancel the sale deeds and consequently allot alternate plots. In any event, if the appellant was aggrieved by the direction issued by the learned Single Judge in the first writ petition to cancel the sale deeds and refund the consideration, an appeal ought to have been filed. Till date, no such appeal has been filed.

10. The other submission of learned counsel for the appellant that the respondents did not take any action to return the sale consideration cannot also be countenanced for the simple reason that it was the third respondent who had filed the contempt petition alleging non-compliance of the order in the first writ petition.

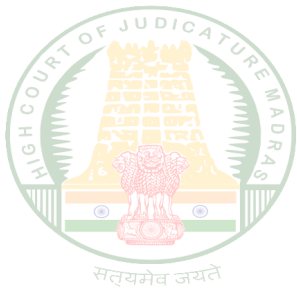


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11. It is under such circumstances that the learned Single Judge, in the order under appeal, observed thus:

"7. The petitioner has now come before this Court and has taken a different stand and is now seeking for No Objection Certificate from the Housing Board to sell the property. This relief sought for by the petitioner is contradicting the earlier relief that was sought for in W.P.No.19611 of 2010. The petitioner cannot be allowed to blow hot and cold and the petitioner having already taken a stand for cancellation of the Sale Deed and for refund of the amount, cannot be allowed to turn around and now seek for permission of the Housing Board to sell the plot.

8. In view of the above, the relief as sought for in the present writ petition cannot be granted by this Court. There shall be a direction to the petitioner to go over to the office of the 3rd respondent and take steps for the cancellation of the earlier Sale Deed and for re-conveyance of the property. This shall be done within a period of four weeks from the date of receipt of copy of this order. On fulfilment of this condition, the Housing Board is directed to refund the entire sale consideration along with the interest



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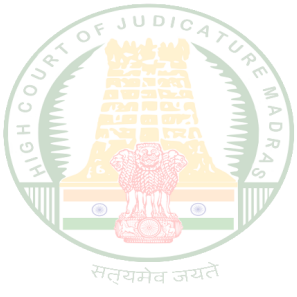
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as was directed by this Court in W.P.No.19611 of 2010, dated 05.12.2019 and such refund with interest shall be made, within a period of four weeks thereafter."

12. As rightly observed by the learned Single Judge, the stand taken by the appellant in the second round of litigation is contradicting the relief sought in the first round of litigation. The appellant cannot be permitted to approbate and reprobate.

13. It is trite that while exercising jurisdiction under Clause 15 of the Letters Patent, a Division Bench of the High Court has to only see the correctness of the order passed by the learned Single Judge, as in an intra-court appeal the Division Bench exercises the same jurisdiction as exercised by Single Judge.

14. In the case on hand, we do not find any infirmity in the order passed by the learned Single Judge warranting interference.



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For the aforegiven reasons, the writ appeal is dismissed. There shall be no order as to costs. Consequently, interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
30.04.2026

Index : Yes/No
Neutral Citation : Yes/No
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To:

1. The Secretary to the Government,
Government of Tamilnadu
Housing and Urban Development
Department, Fort St. George,
Chennai – 600009.
2. The Chairman and Managing Director,
Tamil Nadu Housing Board
CMDA Complex, Koyambedu, Chennai-17.
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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