

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.8.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.12476 of 2015

and

M.P.No.1 of 2015

V.Balachandran
S/o. M.Veerawamy
No.5/1/2 R.K.Nagar Main Road,
Korukkupet Chennai-21.

... PETITIONER

Vs.

1. The Managing Director
Tamil Nadu Housing Board,
Nandanam Chennai- 35.
2. The Manager (Sale and Service),
Tamil Nadu Housing Board
Anna Nagar Zonal Thirumangalam Chennai-101.
3. The Executive Engineer and Executive Officer,
Anna Nagar Zonal, Thirumangalam,
Chennai-101.

... RESPONDENTS

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to execute the sale deed in favour of the petitioner in respect of property situated at Manali Phase-I and Plot No.1/569 (MIG) already allotted in the name of the petitioner by temporary allotment Order No. SSII/MNI/ 355/93 dated 28.04.1993 and final allotment Order No. SSII/MNI/ 355/93 dated 11.06.1993 by the second respondent.

For Petitioner : Mr.M.Aswin for
Dr.G.Krishnamurthy

For Respondents : Mr.V.Anandamoorthy for
T.N.H.B.

O R D E R

With consent of both side, the writ petition itself has been taken up for final disposal.

2. The petitioner was allotted a plot No.1/569, MIG by provisional order, dated 28.4.1993. Thereafter, regular allotment was issued on 11.6.1993. As the petitioner could not make payment promptly, the allotment made was cancelled on 27.1.2011. In spite of the same, time was extended to restore the allotment till 21.2.2014 and the same was informed to the petitioner. Petitioner gave reply accepting to pay the outstanding due in one lump-sum. Petitioner was once again informed on 17.9.2014 to pay Rs.9,94,961/- along with revocation fee. The said communication was sent to the petitioner by RPAD. As per the said letter, petitioner was given 60 days time to repay the outstanding amount.

3. The learned counsel for the petitioner submitted that the petitioner is ready and willing to pay the amount due. However, the amount has not been quantified. The learned counsel for the respondents submitted that having accepted the condition imposed and not challenging the order, dated 15.9.2014, it is not open to the petitioner to file the present writ petition.

4. A concession was given to the petitioner on his default to comply with the repayment schedule. The petitioner also accepted the same. In any case, he has not challenged the order, dated 15.9.2014. The said order was passed on the request of the petitioner, dated 24.1.2014. Petitioner will have to pay the entire amount along with penalty and revocation fee within a period of 60 days from the date of receipt of the said order. Till now, he has not paid the same. Further, in the counter it has been stated that petitioner has not paid any amount since 24.6.2002.

5. Considering the same, this Court is not inclined to allow the writ petition. However, taking into consideration of the submission made, the respondents 2 and 3 are directed to inform the petitioner about the amount payable including the penalty and revocation fee as on today within a period of two weeks from the date of receipt of a copy of this order.

6. Taking into consideration of the difficulties expressed by the petitioner, petitioner after receipt of the said communication from the respondents, is at liberty to repay the same in three bi-

monthly equal instalments. On failure to comply with the same, it is open to the respondents to proceed further in accordance with law.

7 Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vaan

To

1. The Managing Director
Tamil Nadu Housing Board,
Nandanam Chennai- 35.
2. The Manager (Sale and Service),
Tamil Nadu Housing Board
Anna Nagar Zonal Thirumangalam Chennai-101.
3. The Executive Engineer and Executive Officer,
Anna Nagar Zonal, Thirumangalam,
Chennai-101.

+1cc to Mr.V.Anandhamoorthy, Advocate, S.R.No.42637
+1cc to Mr.G.Krishnamurthy, Advocate, S.R.No.43165

W.P.No.12476 of 2015
and
M.P.No.1 of 2015

SV(CO)
CA(02/09/2015)

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