

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.03.2015

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THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. Nos.24784 to 24793 of 2014;
585 & 3524 of 2015

- 1.G.Mohan .. Petitioner in WP.24784/2014
2. V.Amirtharaj .. Petitioner in WP.24785/2014
3. M.Umamaheswari .. Petitioner in WP.24786/2014
4. Dhanalakshmi .. Petitioner in WP.24787/2014
5. M.Karnan .. Petitioner in WP.24788/2014
6. K.Patchiammal .. Petitioner in WP.24789/2014
7. M.Krishnaveni .. Petitioner in WP.24790/2014
8. D.Sathiamoorthy .. Petitioner in WP.24791/2014
9. M.Balashanmugam .. Petitioner in WP.24792/2014
10. R.K.Palanisamy .. Petitioner in WP.24793/2014
11. S.Suresh Kumar .. Petitioner in WP.585/2015
12. K.Mani .. Petitioner in WP.3524/2015.

सत्यमेव जयते Vs.

- 1.The Managing Director
Tamil Nadu Housing Board
No.493, Anna Salai, Nandanam
Chennai 600 035. ...1st Respondent in WP.Nos.24784
to 24793/2014 and WP.585/2015 and
Respondent in WP.No.3524/2015.

2.The Executive Engineer &
Administration Officer
Coimbartore Housing Unit
Tamil Nadu Housing Board
Tatabad, Coimbatore 12.

..2nd Respondent in WP.Nos.24784 to
24793/2014 and WP.585/2015.

PRAYER in WP.Nos.24784 to 24793/2014: Petitions filed Under Article 226 of the Constitution of India praying to issue Writs of mandamus to direct the respondents to execute the Sale Deed conveying the House property allotted to the petitioner in order dated 28.1.2002, 18.7.2002, 8.8.2002, 21.8.2002, 2.9.2002, 20.9.2002, 20.03.2003, 5.3.2003, 24.1.2005 and 27.9.2005 respectively.

Prayer in WP.585/2015:

Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus to direct the respondents to execute the sale deed conveying the House Property allotted to the petitioner; and

Prayer in WP.3524/2015:

Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus to direct the respondent to consider the petitioner's representation dated 15.12.2014 made for execution of the sale deed for House No.C-243, VOC Nagaer, Ganapathy Housing Unit, Ganapathy, Coimbartore allotted to the petitioner.

For Petitioner : Mr.R.Amardeep
for M/s Tamizh Law Firm

For Respondents : Mr.V.Anandamurthy
Standing Counsel

C O M M O N O R D E R

Since the prayer involved in all these Writ Petitions are identical these Writ Petitions were heard together and are disposed of by this common order.

2.Heard Mr.R.Amardeep, learned Counsel appearing for the petitioners and Mr.V.Anandamurthy, learned Standing Counsel appearing for the respondents.

3. In all these writ petitions, the petitioners seek for a direction upon the respondent Department to consider their representations.

4. The petitioners are all allottees of ready built houses in a scheme promoted by the Tamil Nadu Housing Board at Coimbatore called 'Ganapathy 23 MIG Scheme'. There are two sets of grievances for the allottees. One set of persons have sought for a direction that the respondent Board should execute sale deed in their favour by fixing the land cost and they have stated that the land cost adopted are fixed in respect of certain Awards which have been modified or enhanced by the Hon'ble Supreme Court, should be adopted. In the other set of writ petitions, the allottees would state that the cost fixed by the Board itself was on the higher side and when a reply was given under Right to Information Act, they stated that the maximum amount has been fixed and that the said amount is termed as tentative cost, it is in effect a final cost. Therefore, the learned counsel would submit that the representations of the petitioners/allottees should be considered and appropriate relief should be granted as sought for by them.

4. The learned Standing Counsel appearing for the respondent Board by placing reliance on the decision of this Court submitted that the award passed by the Reference Court or by the High Court or by the Supreme Court should be taken into consideration while fixing the final cost and determined the land value and in this regard reliance has been placed on the decision of this Court in the case of K.USHARANI & ORS v. STATE OF TAMILNADU REP. BY ITS SECY AND ORS [W.P.Nos.13243 of 2013 etc. batch, dated 08.01.2014], wherein it has been held that in case reference proceedings are pending under section 18 of the Land Acquisition Act, either before the Reference Court or Appellate Court, calculation must be made by taking into account the maximum amount claimed by the land owners. Further, it is observed that the allottees would be benefited in case the land cost along with statutory interest is deposited early, as otherwise, they are liable for interest after the conclusion of Section 18 proceedings.

5. In the light of the above, there will be a direction to the respondents to consider the representations of the petitioners and afford an opportunity of personal hearing to them or to their representatives and pass orders on merits and in accordance with law,

within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

rpa

To

1.The Managing Director
Tamil Nadu Housing Board
No.493, Anna Salai, Nandanam
Chennai 600 035.

2.The Executive Engineer &
Administration Officer
Coimbatore Housing Unit
Tamil Nadu Housing Board
Tatabad, Coimbatore 12.

+3ccs to M/s.Tamizh Law Firm,Advocate SR.No.1285

+3ccs to Mr.V.Anandamurthy, Advocate SR.No.12831 TO 12833

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gp/21.03.2015

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