

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2015

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

W.P.No.40933 of 2002 and
W.P.M.P.No.60605/2002

R.Navaneethan

... Petitioner

vs.

1. The Executive Engineer & Administrative Officer, Madurai Special Division, Tamil Nadu Housing Board, Ellis Nagar, Madurai-625 010
 2. The Collector, Madurai, Madurai District.
 3. The Additional Assistant Elementary Educational Officer, Chellampatti, Madurai District.
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari to call for the records relating to the impugned order of the first respondent in Letter No.SD 8/98 dated 29.07.2002 and quash the same.

For Petitioner .. Mr. P.Rajendran
For R1 .. Mr.V.Anandhamoorthy
For R2 & R3 .. Mr. V.Subbiah, Spl.G.P

ORDER

The petitioner was allotted House No.304, Ellis Nagar vide proceedings dated 10.11.1995. Admittedly, the petitioner did not pay the installment right from the month of May 1996. As he continued to refuse the payment, notices under Sections 84(2) and 84(1) of Tamil Nadu Housing Board Act were issued. Thereafter, the house was locked. In the meantime, the petitioner sent a letter dated 05.10.2000 stating that he would pay the entire amount by paying a sum of Rs.20,000/-. Even thereafter, he has neither paid the principal nor the interest. Thereafter, an order of cancellation was passed. Challenging the same, the present writ petition has been filed.

2. The learned counsel for the petitioner submitted that the mistake does not lie with the petitioner. He cannot be made responsible for not sanctioning the loan. In respect of similarly placed persons, loan was sanctioned at the earliest. The District Collector has also sent a communication seeking some clarification. Considering the same, the order impugned has to be set aside.

3. The learned counsel for the respondent/Tamil Nadu Housing Board submitted that the petitioner was given ample opportunities right from the year 1996 till 2002. Since he has not made the payment, the Tamil Nadu Housing Board does not have any other option except to cancel it. The problem between the petitioner and his employer does not bind the Housing Board. Though the due at the time of passing the impugned order with interest alone was at Rs.6,59,432/-, the amount payable as of now would be Rs.30,90,711/-.

4. In matters of similar situation, the power of judicial review of this Court is very much limited. It is a simple case of allotment and compliance of the terms and conditions. When the petitioner continues to be a defaulter from the month of May 1996 and the impugned order having been passed only on 29.7.2002, no grievance could be made against the same. Further, a perusal of the counter affidavit would show that the petitioner was given the opportunities which he has not availed of. It is also not in dispute that from the date of handing over till the impugned order was passed, the petitioner was in possession without making any requisite payment.

5. Therefore, this Court is not inclined to allow the writ petition and the same is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

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To

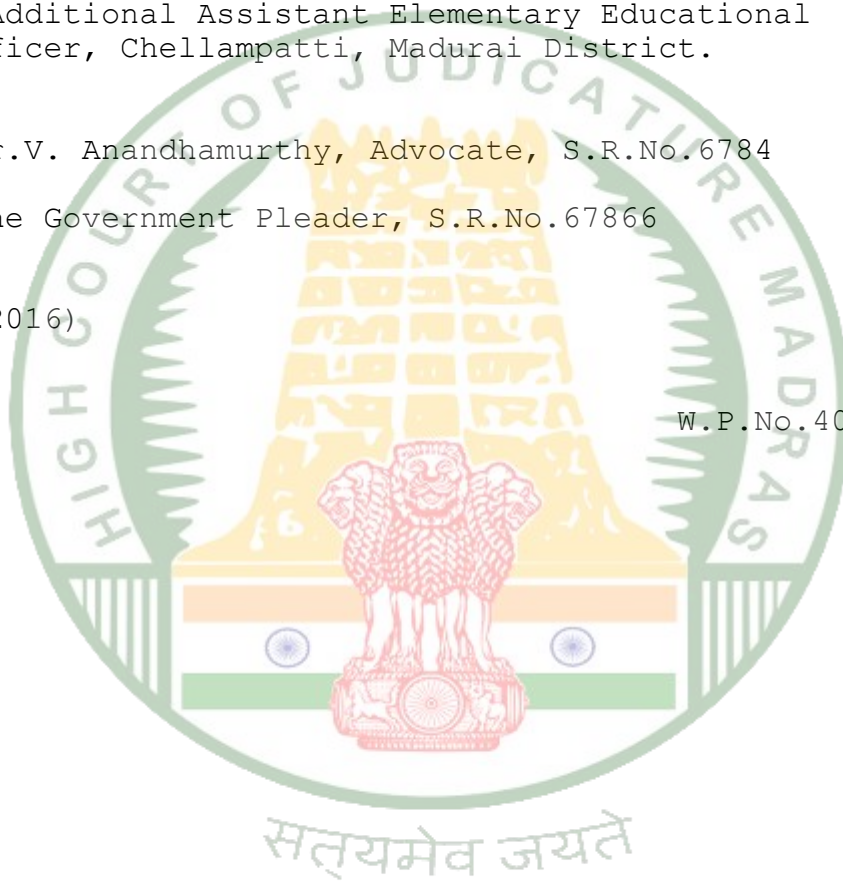
1. The Executive Engineer & Administrative Officer, Madurai Special Division,
Tamil Nadu Housing Board,
Ellis Nagar, Madurai-625 010
2. The Collector,
Madurai, Madurai District.
3. The Additional Assistant Elementary Educational Officer, Chellampatti, Madurai District.

+1cc to Mr.V. Anandhamurthy, Advocate, S.R.No.6784

+1cc to the Government Pleader, S.R.No.67866

MSM(CO)
EU(07/01/2016)

W.P.No.40933 of 2002



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