



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Appeal(MD) Nos.985 and 986 of 2015
and MP(MD) NO.2 & 2 of 2015

1.The Chairman cum Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai.

2.The Executive Engineer &
Administrative Officer,
Tamil Nadu Housing Board,
Madurai Special Division,
Ellis Nagar,
Madurai 625 016

... Appellants in both W.As /
Respondents 1 & 2

Vs.

WA(MD) No.985/2015 :

1.L.Adaikkalasamy
2.P.V.Janaharan
3.Ganesh Babu

... Respondents 1 to 3/Petitioner's

4.The Assistant Secretary
(Land Acquisition),
Tamil Nadu Housing,
Nandanam, Chennai.

5.The Special Tahsildar,
(Land Acquisition),
Madurai South, Unit 1,
Madurai 20.

6.M.V.Karuppiah
7.P.Ramesh

... Respondents 4 to 7 in W.A.No.985/2011/
Respondents 3 to 6

WA(MD) No.986/2015:

1.L.Adaikkalasamy
2.P.V.Janaharan
3.Ganesh Babu

... Respondents 1 to 3 /Petitioners

4.The Secretary,
Tamil Nadu Housing and Urban Development,
St., George Fort,
Chennai.

... 4th Respondent/1st Respondent

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5.The Madurai Municipal Corporation,
Rep by Municipal Commissioner,
Arignar Anna Maligai,
Tallakulam,
Madurai.

... 5th Respondents in W.A.No.986 of 2015/
4th Respondent

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Writ Appeals filed under Clause 15 of the Letters Patent against the orders dated 19.08.2014 made in W.P.(MD)No.2443 of 2011 and 14310 of 2013.

Prayer in WP(MD). 2443/ 2011 :

Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to acquire sufficient land situated in Survey No.7/4A, Madakulam Village, Madurai District within stipulated period and direct the respondents 1 & 2 lay 30 feet road in front of the petitioners houses and to provide open space as shown in the lay out plan and to provide sufficient basic amenities as provided to the other allottees and to issue FMB and sale deeds to the petitioners.

Prayer in WP(MD). 14310/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned letter issued by the second respondent vide letter No.Ni.A5(1)/38589/08 dated 22.3.2012 and quash the same in respect of non-accepting the demand of waiver of A & B interest claimed by the petitioners as illegal and consequently direct the respondents to waive the A&B interest for the houses RH 172, RH175 and RH 176 belong to the petitioners situate of Tamil Nadu Housing Board Colony, Ellis Nagar, Madurai as compensation for the sufferings of the petitioners from the past 23 years .

For Appellants : Mr.K.Chellapandian,
AAG, assisted by
Mr.S.Nagarajan

For Respondents 1-3 : Mr.C.Arul Vadivel @ Sekar,
(In both W.As)

For 5th Respondent : Mr.R.Murali
(In W.A.No.986/2015)

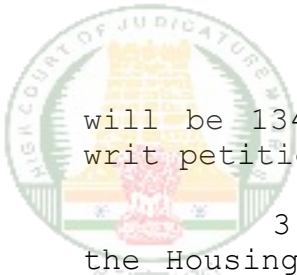
For 6th Respondent : Mr.T.C.S.Thillainayagam
(In W.A.No.985/2015)

JUDGMENT

(Judgment of the Court was delivered by R.SUDHAKAR,J)

These writ appeals are directed against the common order made in W.P.(MD)No.2443 of 2011 and 14310 of 2013, dated 19.08.2014.

2. We have perused the order of the learned single Judge. It is a case of allotment of Housing Board in Ellis Nagar which was allotted in the year 1991 and the terms of the allotment was that the extent of land



will be 1344 sq.ft. However, what was actually given to the respondent writ petitioners is 937, 912 and 945 sq., ft., respectively.

3.The first prayer of the writ petitioners has been conceded by the Housing Board. However, the point in issue is whether the appellant Housing Board is entitled to interest for belated payment which is the subject matter of demand.

4.The learned single Judge while taking note of the fact that the land which has to be allotted to the writ petitioners fell short of the actual area specified in the allotment letter for which the writ petitioners are not claiming any compensation, was of the view that no interest could be claimed or gained by the Housing Board for their own fault. The order is in the nature buying peace between the parties. Further, the compounding interest set aside by the learned single Judge is more in the nature of compensation for not allotting the full extent of land. Thus we find no reason to interfere with the order of the learned single Judge.

5.In the result, the writ appeals are dismissed. No costs. Consequently, M.P(MD)Nos.2 and 2 of 2015 are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

sms

To

1.The Assistant Secretary
(Land Acquisition),
Tamil Nadu Housing,
Nandanam, Chennai.

2.The Special Tahsildar,
(Land Acquisition),
Madurai South, Unit 1,
Madurai 20.

3. The Secretary,
Tamil Nadu Housing and Urban Development,
St., George Fort,
Chennai.

+1CC to Mr.S.Nagarajan Advocate Sr.No.59387
+1CC to Mr.C.Arul Vadivel @ Sekar Advocate Sr.No.59267
+1CC to Mr.R.Murali Advocate Sr.No.59258
+1CC to Spl.Government Pleader Sr.No.59662

GJM/ARK/16.11.2015-3P-7C