

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.9559 of 2014

J.Doraiswamy

.. Petitioner

Vs.

The Executive Engineer & Administrative Officer
J.J. Nagar Division
Tamil Nadu Housing Board
Thirumangalam
Chennai- 600 101.

.. Respondent

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus, directing the respondent to consider the representation of the petitioner, dated 12.2.2014 seeking refund the amount of Rs.2,04,000/- towards the purchase of flat under Tamil Nadu Housing Board deposited by the petitioner on 12.9.2011 with 24% of compound interest from the date of deposit.

For Petitioner : M/s.D. Veerasekarn

For Respondents : Mr.V. Ananthamurthy

ORDER

Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned counsel, appearing on behalf of the respondent.

2. This writ petition has been filed, by the petitioner, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondent to consider the representation of the petitioner, dated 12.2.2014, seeking refund of the amount of Rs.2,04,000/-, deposited towards the purchase of the flat from the Tamil Nadu Housing Board, with compound interest, at the rate of 24%, from the date of deposit, namely, 12.9.2011.

3. The petitioner has stated that the respondent had invited applications from the General Public for the

construction of 104 flats, at Mugappair Village, Chennai, under the Self Financing Scheme.

4. The petitioner was an allottee of a flat, however, the said allotment had been cancelled, due to the administrative reasons.

5. At this stage of the hearing of the writ petition, the learned counsel, appearing on behalf of the respondent has submitted that the petitioner was one of the allottees. He had made a deposit of Rs.2,04,000/- towards the initial deposit for the purchase of the flat allotted to him. However, the allotment made to the petitioner and to other similarly placed persons had been cancelled, by the respondent, due to administrative reasons.

6. Challenging the cancellation of the allotment made by the respondent, a writ petition, in W.P.No.3672 of 2012 was filed by certain allottees, including the petitioner herein, which was dismissed by this Court, by an order, dated 19.11.2012.

7. As against the order of dismissal, a writ appeal, in W.A.No.173 of 2012, was filed by one of the petitioners, in W.P.No.3672 of 2012. The said writ appeal had also been dismissed, on 24.1.2013. After the dismissal of the cases pending before this Court, the flats were reallocated to various persons based on draw of lots.

8. In such circumstances, the petitioner has filed the present writ petition, claiming interest on the amount of Rs.2,04,000/- deposited by him with the respondent, as the amount had been returned to him after a period of nearly two years from the date of such deposit.

9. The learned counsel, appearing on behalf of the respondent had placed before this Court a copy of the application made by the petitioner, for the allotment of flat, in his name, dated 12.9.2011.

10. A perusal of the application reveals that there are about 16 conditions for registering the application. The petitioner had also duly signed in the application, as well as in the terms and conditions. As per Clause 15 of the terms and conditions, the petitioner has given an undertaking that he would not claim any interest, in respect of any delay in payment, from the respondent.

11. In such circumstances, this Court is of the view that the relief sought by the petitioner cannot be granted.

The writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

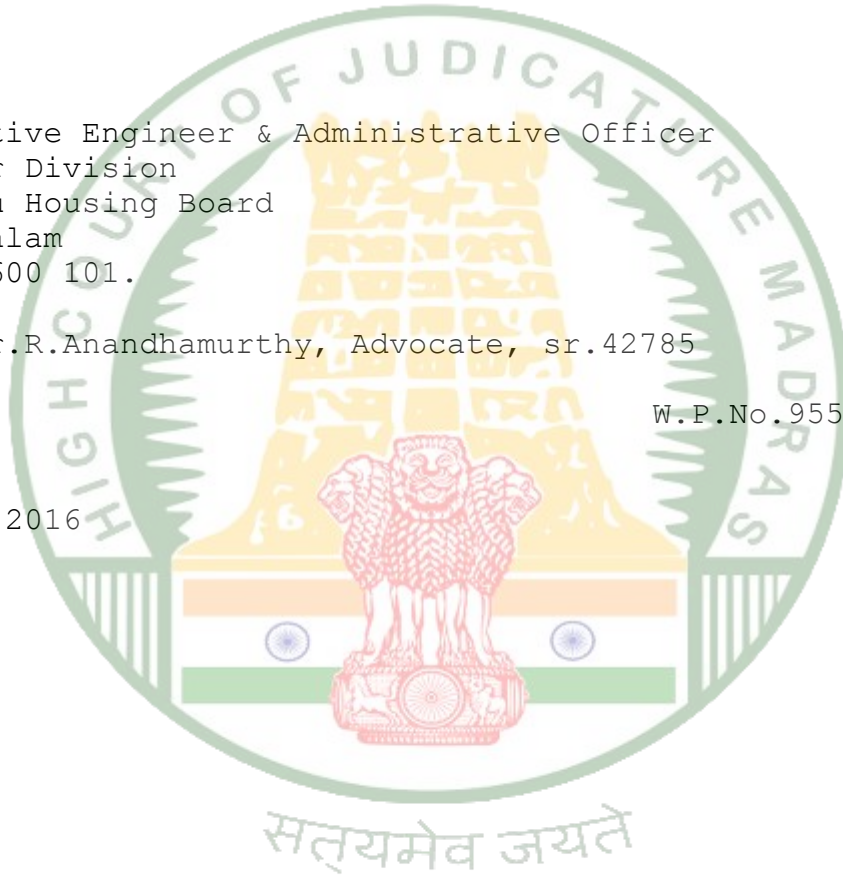
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To
The Executive Engineer & Administrative Officer
J.J. Nagar Division
Tamil Nadu Housing Board
Thirumangalam
Chennai- 600 101.

1 CC to Mr.R.Anandhamurthy, Advocate, sr.42785

W.P.No.9559 of 2014

msm co
kra 29.08.2016



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