

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2016

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.13463 of 2016
and WMP.No.11819 of 2016

A.Mohamed Majaker

... Petitioner

Vs.

1.The Executive Engineer & Admin Officer,
Besant Nagar Division
Tamil Nadu Housing Board,
No.48, Dr.Muthulakshmi Salai,
Adyar, Chennai-20.

2.Manager, Marketing and Service,
Besant Nagar Division,
Tamil Nadu Housing Board,
No.48, Dr.Muthulakshmi Salai,
Adyar, Chennai-20.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents herein to hand over the possession to the petitioner within the stipulated period prescribed by this Court.

For Petitioner : Mr.P.Elavarasan
For respondents : Mr.V.Anandhamoorthy.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with the present Writ Petition seeking for issuance of Mandamus to direct the respondents herein to hand over the possession to the petitioner.

3.The petitioner has been allotted a Flat by the Tamil Nadu Housing Board, Besant Nagar Division, LIG Flat No.C2/10 at Sholinganallur Phase I, (392 LIG Flats) under Self Finance Scheme. Based on the respondents letters dated 15.03.2011, 02.05.2011, 13.10.2011 and 20.12.2012, the petitioner paid the following amounts on 09.04.2011 - Rs.65,970/-, 27.07.2011 - Rs.3,92,910, 28.12.2011 - Rs.2,61,940/- and 25.06.2012 - Rs.2,61,940/- respectively. The petitioner is also having the

balance 20% of the amount in his ledger account. As per the agreement of sale, the respondent has to hand over the Flat by 30.04.2012, but the respondents sent a letter dated 13.10.2011 seeking extension of time for handing over the Flat by 31.12.2012. The petitioner approached the office of the respondents frequently, they did not give any proper answer, there is no response to handing over the flat till date. Now, the petitioner is paying a monthly rent of Rs.15,000/- per month.

4.The petitioner sent a legal notice dated 25.02.2016 to the respondents to receive last installment as per the agreement and immediately hand over the flat as early as possible. The said legal notice has been received by the respondents on 29.02.2016, but, till date no action has been taken, hence, the petitioner filed the present writ petition.

5.Heard the submissions of learned counsel appearing for the petitioner and the learned standing counsel who accepts notice on behalf of the respondents.

6.Considering the facts and circumstances and without going into the merits of the same, this Court directs the petitioner to submit fresh representation alongwith the copy of this order before the first respondent, within two weeks from the date of receipt of a copy of this order, with regard to handing over of the possession of the Flat allotted by the Tamil Nadu Housing Board. On receipt of the same, the first respondent is directed to consider the representation of the petitioner, on merits and in accordance with law, within a period of four weeks, thereon.

7.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.
tsh

-s/d-

Assistant Registrar (CS-III)

True Copy

सत्यमेव जयते
Sub-Assistant Registrar

To

1.The Executive Engineer & Admin Officer,
Besant Nagar Division
Tamil Nadu Housing Board,
No.48, Dr.Muthulakshmi Salai,
Adyar, Chennai-20.

WEB COPY

2.Manager, Marketing and Service,
Besant Nagar Division,
Tamil Nadu Housing Board,
No.48, Dr.Muthulakshmi Salai,
Adyar, Chennai-20.

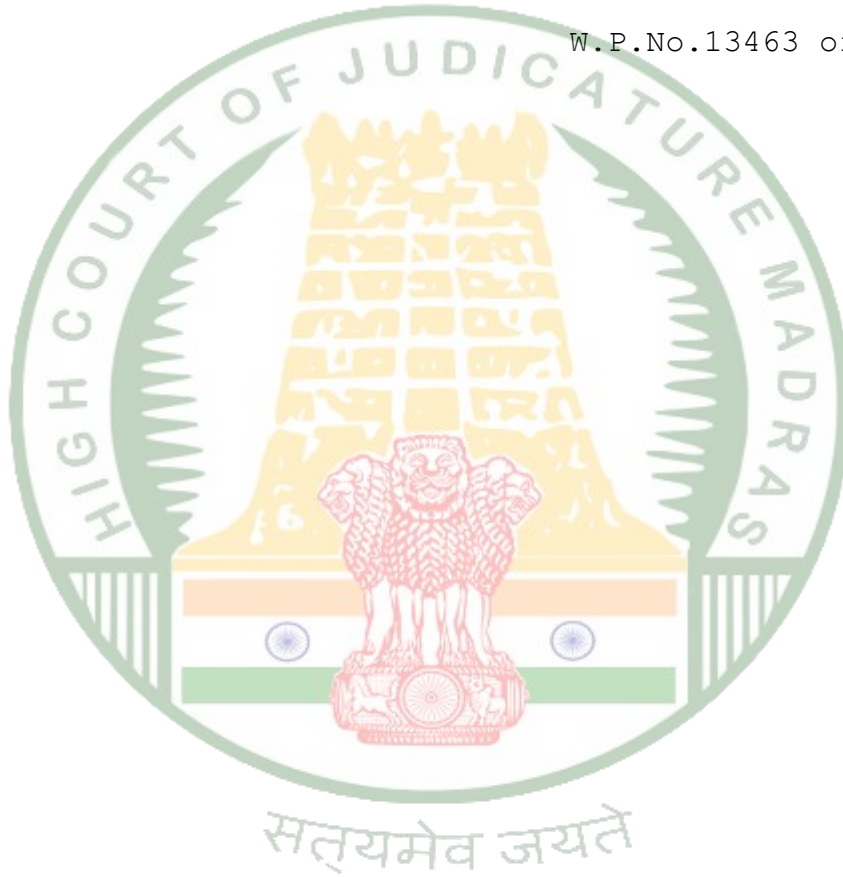
+ 1 cc to Mr.P.Elavarasan, Advocate, SR 23610

+ 1 cc to Mr.V.Anandhamoorthy, Advocate, SR 23407

+ 1 cc to Govt.Pleader, High Court, Madras SR

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W.P.No.13463 of 2016.



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