

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.11852 of 2015

Latha Ramachandran

... Petitioner

Vs.

1. The Managing Director,
Tamilnadu Slum Clearance Board,
Kamarajar Salai,
Chennai 600 005 .

2. The Estate Officer,
Office of the Tamilnadu Slum
Clearance Board-Estate,
7, Dr. Kalaignar Karunanidhi Nagar,
Chennai 600 078.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records in respect of order No.G7/10325/12 dated 5.2.2015 issued by the first respondent and quash the same and direct the first respondent to issue sale deed pertaining to Flat No.10, Tamilnadu Slum Clearance Board, Kaanagam, Taramani, Chennai 600 113 in favour of the petitioner with non insistence of further amount to the said flat.

For Petitioner : Mr.A. Ramalingam

For Respondents : Mr. B. Kesavan

Standing Counsel (Slum Clearance
Board (R1 and R2)

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of Writ of Certiorarified Mandamus to call for the records in respect of order No.G7/10325/12 dated 5.2.2015 issued by the first respondent and quash the same and direct the first respondent to issue sale deed pertaining to Flat No.10, Tamilnadu Slum Clearance Board, Kaanagam, Taramani, Chennai 600 113 in favour of the petitioner with non insistence of further amount to the said flat.

2. Heard Mr.A.Ramalingam, learned counsel appearing for the petitioner and Mr. B.Kesavan, learned Standing Counsel appearing for respondent Tamilnadu Slum Clearance Board.

3. According to the petitioner, the first respondent vide his proceedings No.G5/17170/98 dated 22.6.1998 allotted a Flat No.10, First Block, Kaanagam, Taramani, Chennai 600 113 with the purview of the Tamilnadu Slum Clearance Board under LIG scheme valued at Rs.1,48,160/- and out of the total price, the petitioner had paid Rs.44,448/- initially at the time of allotment vide Receipt No.U no.140221 dated 16.6.1998 and it was agreed by the petitioner to pay the remaining amount with applicable interest at Rs.1351/- per month spreading over a period of 15 years. The petitioner had paid the entire due amount including arrears, if any, for the previous period to the concerned Board official in charge of collection on 3.6.2010 and he has also issued full settlement receipt after having received the amount of Rs.95,840/- and Rs.2,160/-. Thus when the payment period had been actually from 16.6.1998 to 16.6.2013, the petitioner had paid the amount earlier by 3 years to the 1st respondent. The petitioner after having detailed the payment schedule showing that she had paid Rs.2,45,541/- being the amount paid towards the cost of the flat with interest and Rs.3,400/- as maintenance charges, requested the authorities to issue the sale deed in respect of the above said flat and sent a representation to the 2nd respondent on 16.6.2010 for issuance of sale deed. But there is no response from the respondents.

4. It is the case of the petitioner that on 5.2.2015, the 1st respondent has passed the impugned order in Na.Ka.No.G7/10325/12, demanding Rs.1,76,224/- as penal interest for delayed payment.

5. It is the grievance of the petitioner that the value of the flat is Rs.1,48,160/- and the petitioner totally paid Rs.2,45,541/-, that too, by 3.6.2010 which was earlier by 3 years as originally scheduled as the last instalment ended by 16.6.2013 and thus the petitioner had paid the entire amount, three years earlier to the original schedule. Hence the passing of impugned order by first respondent on 5.2.2015 after a period of five years, demanding Rs.1,76,224/- as penal interest for delayed payment is highly arbitrary. Hence the petitioner filed the present writ petition praying to quash the same and further sought for a consequential direction to the first respondent to issue sale deed pertaining to the said Flat.

6. Earlier, when the matter was taken up for admission, this Court has granted interim stay on condition that the petitioner shall deposit Rs.50,000/- to the 2nd respondent on or before 10.6.2015.

7. Today, when the matter is taken up for consideration, learned counsel for the petitioner submitted that as per the interim order dated 10.6.2015, the petitioner has already deposited Rs.50,000/- before the 2nd respondent on 9.6.2015 and now irrespective of contentions raised in this Writ Petition, he is ready and willing to pay the balance amount and sought for a direction to the 1st respondent to execute the sale deed.

8. In view of the submission made by the learned counsel for petitioner, this Court directs the petitioner to pay the balance amount as demanded by the respondents, after adjusting the amount if any, already deposited, within a period of four weeks from the date of receipt of a copy of this order and on receipt of such amount, the 1st respondent is directed to execute the sale deed pertaining to Flat No.10, Tamilnadu Slum Clearance Board, Kaanagam, Taramani, Chennai 600 113 in favour of the petitioner within a period of two weeks thereafter.

9. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS, VI)

/true copy/

Sub Asst. Registrar

msr

To

1. The Managing Director,
Tamilnadu Slum Clearance Board,
Kamarajar Salai,
Chennai 600 005 .
2. The Estate Officer,
Office of the Tamilnadu Slum
Clearance Board-Estate,
7, Dr. Kalaignar Karunanidhi Nagar, Chennai 600 078.

1 cc to M/s.A. Ramalingam, Advocate, sr. 22835

1 cc to Mr.B. Kesavan, Advocate, sr. 23043

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