

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.11.2016

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.4118 of 2013

S.Shreesha

...Petitioner

Vs

Tamil nadu Housing Board,  
Besant Nagar Division,  
Adyar, Chennai 600 020.

...Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondent Board to pay the balance sum of Rs.2,67,380/- out of Rs.5,34,760/- to the petitioner pursuant to the cancellation of allotment of Flat No.C1/60 in 3<sup>rd</sup> Floor in 392 LIG Flats, Phase-1, Sholinganallur.

For Petitioner : Mr.PL.Narayanan  
For Respondent : Mr.V.Anandamurthy

O R D E R

The petitioner sought for a direction to the respondent Board to pay the balance sum of Rs.2,67,380/- pursuant to the cancellation of allotment of Flat No.C1/60 in 3<sup>rd</sup> Floor in 392 LIG Flats, Phase-1, Sholinganallur.

2. Originally, the petitioner was allotted to one flat in LIG and another in HIG scheme on 21.02.2011 and subsequently, the respondent had directed the petitioner to retain one flat and surrender the other flat. Pursuant to the same, he had surrendered the allotment of LIG flat bearing No.C1/60 in 3<sup>rd</sup> Floor in 392 Flats, Phase-1 Sholinganallur. Accepting the surrender, the respondent had assured that a sum of Rs.5,34,760/- which was paid by the petitioner in respect of the surrendered flat, would be refunded to the petitioner. In spite of several reminders, the respondent had failed to refund the amount, which compelled the petitioner to submit several

representations, some of which are dated 04.05.2012 and 16.07.2012. Since the respondent had not considered his representations, the petitioner has filed the present writ petition.

3. The learned counsel appearing for the petitioner would submit that though the petitioner had asked for a larger relief seeking for a direction to the respondent to refund the amount, he would submit that he would be satisfied if the respondent is directed to consider the representation submitted by the petitioner and pass an order on the same.

4. Mr.V.Anandamurthy, learned counsel appearing for the respondent would submit that the representation of the petitioner could not be traced in the office of the respondent and hence, the petitioner may be directed to submit a fresh representation and the same would be considered by the respondent on merits.

5. Heard Mr.PL.Narayanan, learned counsel appearing for the petitioner and Mr.V.Anandamurthy, learned standing Counsel appearing for the respondent.

6. Considering the submissions made by the learned counsel on either side, the petitioner is permitted to submit a fresh representation seeking refund of the amount due on the cancellation of allotment of Flat No.C1/60 in 3<sup>rd</sup> Floor in 392 LIG Flats, Phase-I, Sholinganallur and on receipt of such representation, the respondent Board shall consider the same on its own merits and pass orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kkd

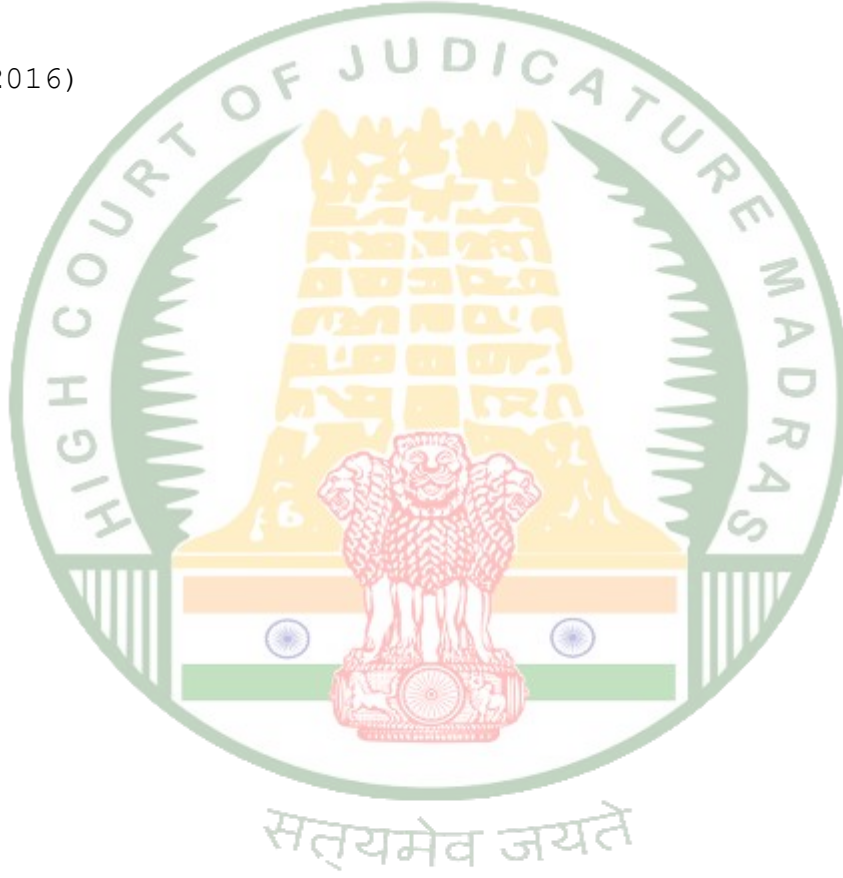
To

Tamil nadu Housing Board,  
Besant Nagar Division,  
Adyar, Chennai 600 020.

+1cc to Mr.P.L.Narayanan, Advocate, SR.No.65991  
+1cc to Mr.V.Anandhamurthy, Advocate, SR.No.65577

W.P.No.4118 of 2013

VD(CO)  
MA(27/12/2016)



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