

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4741 of 2011

C.Rajamani

... Petitioner

Vs.

1. Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat,
Chennai-600 009.
2. Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandanam,
Chennai-600 035.
3. The Assistant Secretary (Allotment),
Tamil Nadu Housing Board,
Chennai-600 035.
4. The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Salem Housing Unit,
Aaiyan Thirumalaigai,
Salem-636 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issue a Writ of Certiorarified Mandamus, calling for the records relating to (1) Letter No. Allotment 3(1)/17820 of 2009, dated 05.05.2009 of the third Respondent (2) Letter No.R5/6608 of 2000, dated 28.07.2009 of the fourth respondent and (3) Letter No.Allotment 3(1)/52497 of 2009, dated 26.08.2010 of the third Respondent and quash the same and to issue consequential direction to the Respondents to pay interest of Rs.1,23,717/- for the period from January, 2005 to March, 2009 for the delayed disbursement of Rs.2,57,256/- on 18.03.2009 within a limited time frame.

For Petitioner : Mr.M.Ravi
For Respondent No.1 : Mr.A.Zakir Hussain, G.A.
For Respondents 2 to 4 : Mr.V.Ananthamoorthy,
Standing Counsel for TNHB

ORDER

According to the petitioner, the petitioner was allotted house under H.I.G. scheme bearing HIG/A/150 under the hire purchase agreement by the respondent Board. The petitioner has remitted a sum of Rs.6,00,000/- to the respondent Housing Board and the balance amount of Rs.94,200/- to be remitted in monthly instalments of Rs.1704/- each for 9 years. The house was handed over to the petitioner on 14.9.2000. The sale price of houses allotted under the aforesaid scheme was reduced in the year 2002 to Rs.4,83,000/- whereas the petitioner paid a sum of Rs.6,94,200/- for the very same scheme and thereby petitioner incurred a loss of Rs.2,11,200/-. Hence, the petitioner requested the respondent House Board to reduce the price for the house allotted to the petitioner. Since there was no response, the possession was returned to the respondent Board on 7.10.2004. The petitioner has paid a total sum of Rs.7,09,305/- to the respondent Board. On calculation of interest arrived by the respondent board, a sum of Rs.4,72,056/- payable by the petitioner towards interest @ 16% p.a. Subsequently on 14.6.2005, the District Collector, Salem passed an order directing the respondent Housing Board to refund the amount of Rs.2,57,256/- to the petitioner. However, the respondent Board

refunded the aforesaid amount to the petitioner only on 18.3.2009. Petitioner made a request to the respondent Board for payment of interest for the period from January, 2005 to 18.3.2009 and the same was rejected by the third respondent. Hence, the petitioner has approached this Court in the present writ petition for the payment of interest from January, 2005 to March, 2009.

2. The learned counsel appearing for the Housing Board, not disputing the factual matrix, has submitted that the dispute is only in respect of payment of interest for the delayed payment of Rs.2,57,256/- paid to the allottee on 18.03.2009. According to the learned counsel for the respondents on receipt of the order passed by this Court in W.P.No.24091 of 2007 and the same has been placed before the Committee and resolution has been passed on the basis of the aforesaid order and thereafter, the amount has been refunded to the petitioner. Hence, he prayed for dismissal of the writ petition.

3. Admittedly, the District Collector, Salem passed an order on 14.06.2005 to refund the amount of Rs.2,57,256/- to the petitioner and there is a delay in refund of the aforesaid amount paid to the petitioner by the respondents. Therefore, there is no justification on the part of the respondents for the delayed payment made to the petitioner. Hence, by

considering the terms and conditions the respondent Board has collected the interest from the petitioner for the delayed payment, the respondent Board are equally liable to pay interest for the period from 04.06.2005 to 18.03.2009. Therefore, the contention of the petitioner is accepted.

4. Accordingly, writ petition is allowed. No costs. The impugned order passed by the respondent is quashed and the respondents 2 to 4 are directed to pay the interest at the rate of 9% per annum on Rs.2,57,256/-for the period from 04.06.2005 to 18.03.2009 within a period of 12 weeks from the date of receipt of copy of the order.

14.11.2018

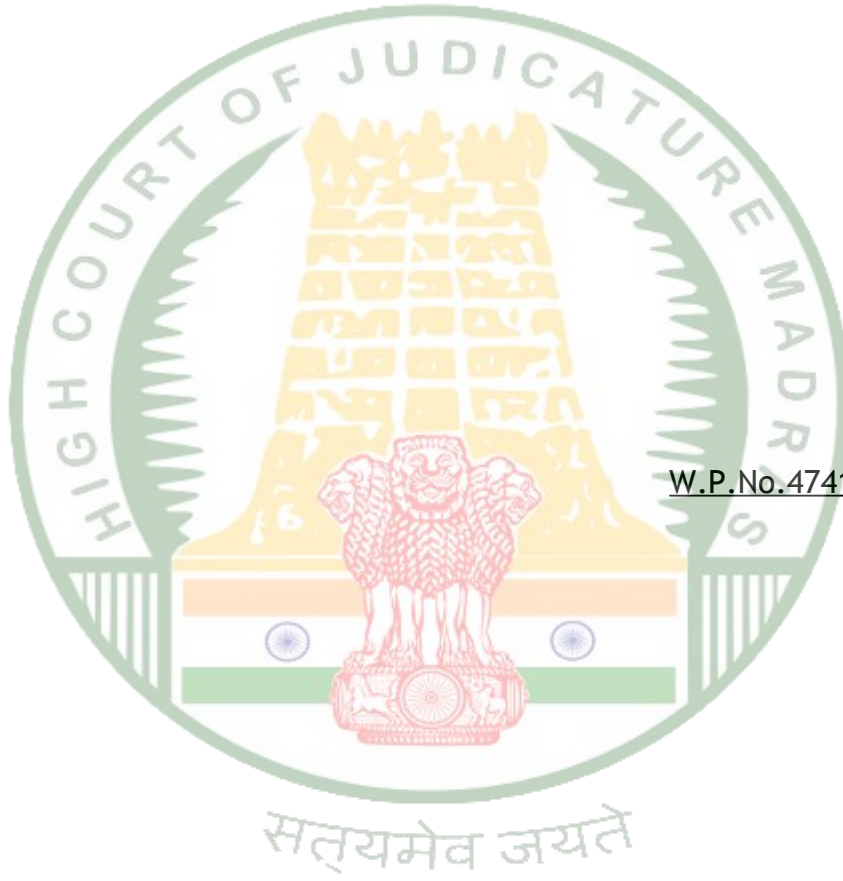
Speaking / Non-speaking order
Internet : Yes / No
Index : Yes / No
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To

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2. Managing Director,
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D.KRISHNAKUMAR, J.

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