

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 2140 of 2014

and

M.P. 1 of 2014

P.Subramaniam

... Petitioner

Vs

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Housing & Urban Development,
Fort St. George, Chennai-600 009.

2. The Chairman and Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-600 035.

3. The Executive Engineer &
Administrative Officer,
Tamil Nadu Housing Board,
Tatabad, Coimbatore-641 012.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue appropriate Writs, orders or Directions and in particular issue a Writ of Certiorarified Mandamus, directing the respondents to call for the records relating to 3rd respondent's impugned demand notice Lr.No.Relief GO 115/2013, dated 12.06.2013 and quash the same consequently direction may be issued to the 3rd respondent to execute the sale deed pursuant to the house bearing No.MIG 504 with land measuring 1500 sq.ft. At Ganapathy Maanagar, Coimbatore and Coimbatore District.

For Petitioner : Dr.S.R.Kalyani

For Respondents : Mr.V.Prabhu,
Government Pleader for R1

Mr.Anandamoorthy,
Standing Counsel for R2 & R3

O R D E R

This writ petition has been filed challenging the demand notice issued by the 3rd respondent Housing Board demanding the petitioner to pay the difference of land cost.

2. Today, when the matter was taken up for hearing, the learned counsel appearing for the 3rd respondent Housing Board has fairly submitted that the issue involved in this Writ Petition is squarely covered by the decision of the Hon'ble Supreme Court in the case of Tamil Nadu Housing Board Vs. Service Society reported in (2011) 11 SCC 13, and the above judgment has also been relied upon in number of other judgments of this Court, and he has also produced the copy of the order dated 11.02.2015 passed in the identical issues in W.P.Nos.18545 of 2013 and 792 of 2015.

3. Considering the fact that the similar issue has been already covered by this Court, this Writ Petition is also allowed and the impugned notice is quashed. The respondents 2 and 3 are directed to prepare a statement of cost indicating the development cost and land cost and statutory interest in the light of the decision of the Hon'ble Supreme Court in the case of Service Society (supra), notice calling upon the petitioner to pay the balance amount must accompany a copy of the statement of costs and in case, the petitioner has made payments pursuant to the impugned notices, such payments shall be given due credit and the petitioner shall be given reasonable time to pay the balance amount after service of notice. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpp
To

1. The Secretary to Government,
State of Tamil Nadu,
Housing & Urban Development,
Fort St. George, Chennai-600 009.

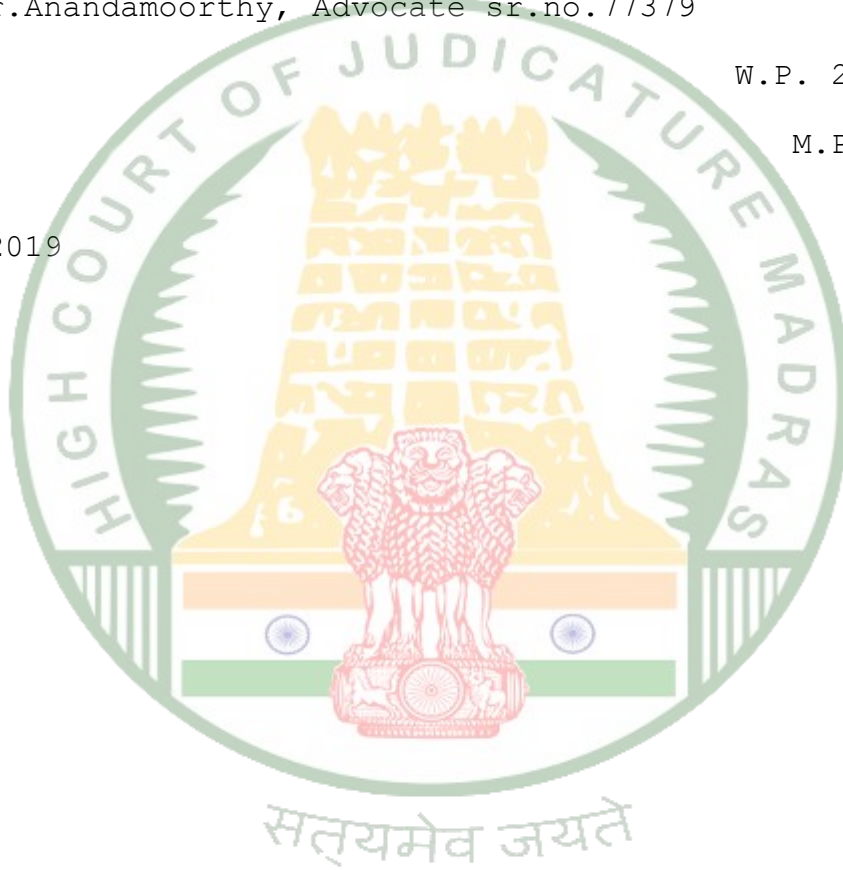
2. The Chairman and Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-600 035.

3. The Executive Engineer &
Administrative Officer,
Tamil Nadu Housing Board,
Tatabad, Coimbatore-641 012.

+lcc to Government Pleader sr.no.78043
+lcc to Dr.S.R.Kalyani, Advocate sr.no.77964
+lcc to Mr.Anandamoorthy, Advocate sr.no.77379

W.P. 2140 of 2014
and
M.P. 1 of 2014

rgn(co)
nr 14/03/2019



WEB COPY