

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.17875 of 2018

G.Rajavelu

... Petitioner

Vs

1. The Managing Director,
The Tamil Nadu Housing Board,
No.493, Anna Salai, Nandhanam,
Chennai-35.
2. The Executive Engineer & Administrative
Officer, Anna Nagar Division,
Tamil Nadu Housing Board,
Thirumangalam, Chennai-600 101. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to convene the Revocation Meeting by considering the petitioner's representation dated 18.01.2016 within a time stipulated by this Court.

For Petitioner : Mr.S.Veeraraghavan

For Respondents: Mr.V.Anandhamoorthy,
Standing Counsel

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 2nd respondent to convene the Revocation Meeting by considering the petitioner's representation dated 18.01.2016 within a time stipulated by this Court.

2. Learned Counsel appearing for the petitioner submitted that the petitioner was one of the allottees, issued with Allotment Letter dated 12.3.1992 in respect of the Plot No.1/63 at Manali Part I, LIG Plots measuring to an extent of 420 sq.ft by the Executive Engineer and Administrative Officer, Tamil Nadu Housing Board, Thirumangalam, Chennai, the 2nd respondent herein and after allotment of the said plot, the petitioner was in absolute possession of the same.

3. The learned Counsel for the petitioner further submitted that as the value of the plot was Rs.31,140/0, the petitioner was asked to pay the advance amount of Rs.3144/-. Accordingly, he paid the said amount and got the allotment of the plot in his favour. But the balance amount of Rs.28,296/- has to be paid by way of monthly instalments up to 28 years with the rate of interest at 12% p.a. and the EMI amount was Rs.315/-. The petitioner has been paying the EMI to the 2nd respondent without any default till the year 2007 and thereafter, due to illness and health issues, since the petitioner has to meet out his medical expenses, he could not pay the monthly instalments to the 2nd respondent. The petitioner was in a several financial crunch during that period and hence he could not able to pay the monthly EMI's. Subsequently, his allotment was cancelled. Therefore, the petitioner immediately gave a representation dated 19.7.2011 followed by several reminders to the 2nd respondent to conduct the Revocation Meeting by expressing his willingness to pay the accumulated EMI's in one payment. But his request has not been considered. Hence, the present Writ Petition.

4. Heard the learned Standing Counsel for the respondents 1 and 2.

5. On the facts and circumstances of the matter, this Court is of the view that the writ petition is not at all maintainable. Firstly. When the petitioner failed to pay the EMI from the year 2008, after 10 years, he cannot come to this Court seeking the above relief. Secondly, when the petitioner failed to pay the EMI, the allotment itself was cancelled and without challenging the said cancellation order, filing of this Writ Petition is not at all maintainable.

6. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

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To

1. The Managing Director,
The Tamil Nadu Housing Board,
No.493, Anna Salai, Nandhanam,
Chennai-35.
2. The Executive Engineer & Administrative
Officer, Anna Nagar Division,
Tamil Nadu Housing Board,
Thirumangalam, Chennai-600 101.

+1cc to Mr.V.ANANDHAMURTHY, Advocate, S.R.No.47320
+1cc to Mr.S.VEERARAGHAVAN, Advocate, S.R.No. 46962

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SSV(CO)
TR(07/08/2018)



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