

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.4534 of 2009
and
M.P.No.2 of 2009

M.Madhu

..Petitioner

Vs

1.The Chairman and Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 35.

2.The Executive Engineer and Administrative Officer,
Hosur Housing Unit,
Bagalur Road,
Hosur- 635 109,
Krishnagiri District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of certiorarified mandamus to call for the records in pursuant to the impugned order passed by the 2nd respondent in letter No.HR-1/615/1997, dated 28.11.2008 and quash the same and consequently direct the respondent to execute the sale deed in favour of the petitioner in respect of the allotted house at No.M.I.G-615, Virupakshipuram Neighborhood Scheme, Dharmapuri Taluk and District.

For Petitioner : Mr.N.Om Prakash

For Respondents : Mr.R.Bharath Kumar

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O R D E R

Heard Mr.N.Om Prakash, learned counsel for the petitioner, Mr.R.Bharath Kumar, learned counsel for the respondent and perused the materials available on record.

2. This writ petition has been filed to quash the letter of the second respondent dated 28.11.2008, in and by which, the petitioner was directed to pay the final cost of Rs.2,42,079/-

and for a direction to the first respondent Housing Board to execute a sale deed in respect of the house constructed in Flat No. M.I.G 615.

3. According to the petitioner, when he was working as a forester in the Forest Department at Dharmapuri District, a house No.M.I.G.615 was allotted by the Tamil Nadu Housing Board at Virupakshipuram Neighborhood Scheme. Pursuant to the allotment he was put in possession and enjoyment of the property. Thereafter, he approached the District Collector for sanctioning of Government loan and the same was duly sanctioned on 09.03.2004. It is the case of the petitioner that he had paid the entire cost of the house, however, the respondent by the impugned notice dated 28.11.2008 demanded the entire cost of Rs.2,42,079/-, in an arbitral manner.

4. The grievance of the petitioner is that even after payment of entire cost, the first respondent has not executed the sale deed in his favour.

5.The learned counsel for the respondents by producing the letters of the second respondent dated 02.07.2015 and 08.09.2016 would state that the petitioner has paid the final cost. Since the petitioner has not obtained 'No Objection Certificate' from the District Collector, the sale deed could not be executed in favour of the petitioner.

6.Taking note of the above facts and the submissions made by the learned counsel for the respondent, this Court directs the petitioner to approach the first respondent Housing Board for execution of sale deed after obtaining 'No Objection Certificate' from the District Collector.

7. Accordingly, the writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

ms

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Chairman and Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 35.

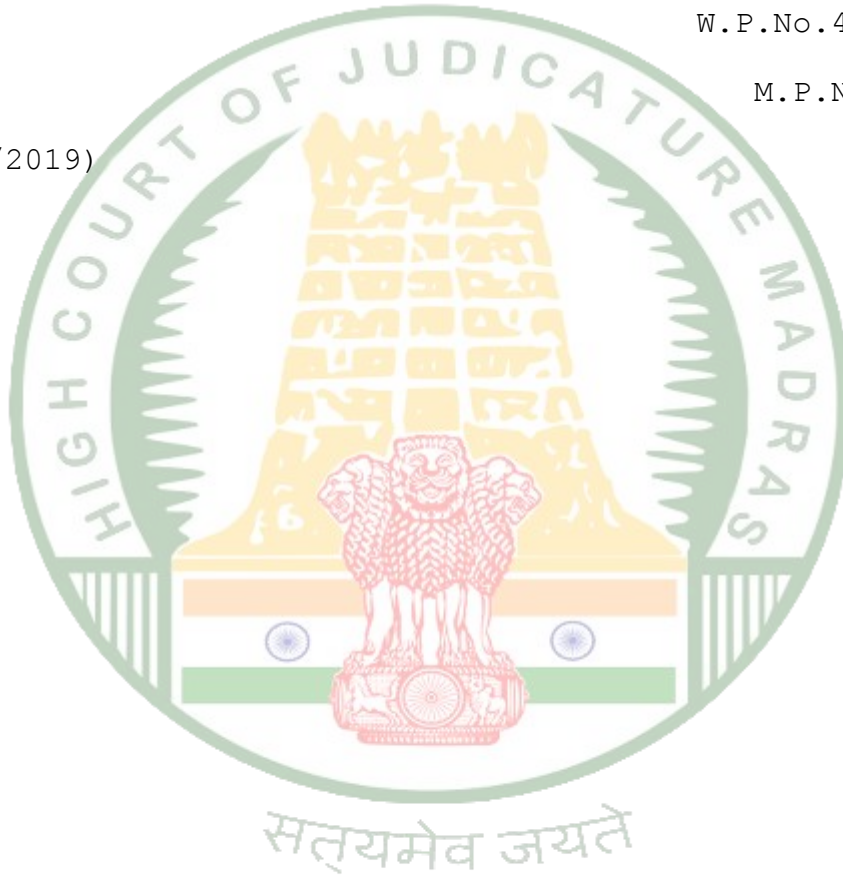
2.The Executive Engineer and Administrative Officer,
Hosur Housing Unit,
Bagalur Road,
Hosur- 635 109,
Krishnagiri District.

+1cc to Mr.R.Prem Narayan, Advocate, SR.No.53025

+1cc to Mr.R.Bharath Kumar, Advocate, SR.No.52541

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Kak(16/09/2019)



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