

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.02.2019

CORAM
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.3252 of 2019
and
W.M.P.No.3510 of 2019

R.Amudha

... Petitioner

Vs.

1.The Secretary to Government,
Housing and Urban Development department,
Fort St.George,
Chennai - 600 009.

2.The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai,
Chennai - 600 035.

3.The Executive Engineer cum Administrative Officer,
Salem Housing Unit,
Iyan Thirumaligai Road,
TNHB, Salem - 8.
Salem District.

....Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records relating to the proceedings in Letter No.R4/1644/10 dated 17.12.2018 passed by the 3rd respondent and quash the same.

For Petitioner : Mr.M.Elango

For Respondents : Mr.J.Purushothaman,
Government Advocate for R1

Mr.V.Anandhamoorthy,
Standing Counsel for R2 and R3.

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O R D E R

The petitioner is aggrieved against the proceedings of the 3rd respondent dated 17.12.2018, wherein and whereby, she was called upon to pay the balance amount of Rs.2,68,23,810/- before 31.12.2018 towards cost of the plot allotted to her on discretionary quota.

2. The very same petitioner earlier filed a writ petition in W.P.No.2067 of 2013, challenging the proceedings issued by the Housing Board in fixing the price of the plot allotted to her. The Writ Court disposed of the said Writ Petition by fixing the price at Rs.5149/- per sq.ft. However, the petitioner challenged the said order in Writ Appeal No.346/2016. The Housing Board has also filed a Writ Appeal in W.A.No.1556/2016, challenging the order passed by the Writ Court. Both the Appeals were taken up and disposed of on 22.06.2017 by passing the following order.

"6. Accordingly, we dismiss the appeal filed by the writ petitioner viz., W.A.No.346 of 2016 and allow the appeal filed by the Housing Board in W.A.No.1556 of 2016, by fixing the price of the plot at Rs.7000/- and setting aside the order passed by the learned Single Judge. The Housing Board shall arrive at the amount due to be paid by the writ petitioner, after deducting the amount already paid, if any, on the basis of Rs.7000/- per sq.ft. with interest thereon at 9% from the date of allotment, within a period of one week from the date of receipt of a copy of this judgment and on such arrival, the writ petitioner is directed to deposit such amount, within a period of three months thereafter. If the petitioner is not interested or agreeable for the same or in case of default in payment by the writ petitioner, the Housing Board shall take back the possession of the plot and sell the same only through public auction. No costs. The connected miscellaneous petitions are closed.

3. The petitioner further filed S.L.P. before the Honourable Supreme Court of India, which in turn was dismissed on 17.08.2018. Thereafter, the present impugned order is passed by directing the petitioner to pay the balance amount as stated supra within the time stipulated therein. Now, it is contended by the learned counsel for the petitioner that when the Division Bench has already granted three months time to deposit the amount from the date of receipt of arriving at the figure by the Housing Board as observed at Paragraph No.6 of the Division Bench order, the 3rd respondent is not justified in restricting the time limit for payment. Learned counsel for the petitioner, however, contended that the petitioner has also filed a Review Petition against the order passed by the Division Bench and the said Petition is in S.R. stage.

4. Learned counsel appearing for the Housing Board, on the other hand, fairly contended that in view of the order passed by the Division Bench in granting three months time to the petitioner to pay the amount, the petitioner may be directed to pay such balance amount as arrived in the impugned order within three months from the date of receipt of such order.

5. Considering the above stated facts and circumstances and in view of the order passed by the Division Bench as stated supra, this Court is of the view that the 3rd respondent is not justified in asking the petitioner to pay the balance amount in a shorter time than the one fixed by the Division Bench as stated supra.

6. Accordingly, this Writ Petition is disposed of by permitting the petitioner to pay the amount referred to in the impugned order i.e., within a period of three months from the date of receipt of the impugned communication. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi

To

- 1.The Secretary to Government,
Housing and Urban Development department,
Fort St.George, Chennai - 600 009.
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493, Anna Salai,
Chennai - 600 035.
- 3.The Executive Engineer cum Administrative Officer,
Salem Housing Unit,
Iyan Thirumaligai Road,
TNHB, Salem - 8.
Salem District.

+1cc to Mr.V.Anandhamurthy, Advocate, S.R.No.10454
+1cc to Mr.M.Elango, Advocate, S.R.No.10308
+1cc to the Government Pleader, S.R.No.10760

W.P.No.3252 of 2019

MR(CO)
rrs 22/02/2019