

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. No. 29770 of 2018
and
W.M.P. No. 34736 of 2018

N.Loganathan Vs. ... Petitioner

1. The Managing Director
Tamil Nadu Housing Board
493, Anna Salai, Nandanam
Chennai - 600 035.
 2. The Executive Engineer and Administrative Officer
Coimbatore Housing Unit
HUDCO Colony, Tatabad
Coimbatore - 641 012.
- ... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Second Respondent by proceedings in Letter No. 014/761/2002 dated 26.10.2018 and quash the same and consequently direct the Second Respondent to consider the representation of the Petitioner dated 17.01.2014 in accordance to law with respect to payment of full amount by availing Housing Loan under the scheme.

For Petitioner : Mr. P. Saravana Sowmiyan
For Respondents : Mr. R. Bharathkumar (For R1 & R2)
Standing Counsel

ORDER

The allotment of High Income Group Housing bearing No.A-107 in Kalapatti Neighborhood Scheme, Coimbatore, made to the petitioner was canceled by the proceedings of the Second Respondent in A-17/761/2002 dated 24.12.2013, as he had failed to remit the amount due. Subsequently, by proceedings in A-6/761/2002 dated 18.11.2004, the Third Respondent passed an order for eviction of the Petitioner from the property. The Second Respondent by order No. A17/761/2002 dated 24.12.2013 directed the Petitioner to hand over the vacant possession of the property, which was challenged by him in W.P. No. 31446 of 2014 before this Court and disposed by order dated 12.03.2015 setting aside that order with a direction to the Respondents to issue a fresh notice mentioning all the grounds. The Petitioner

was also permitted to submit his reply and the Respondents were thereafter directed to pass orders on merits and in accordance with law. In pursuance thereof, the Second Respondent has issued order No. 014/761/2002 dated 26.10.2018 rejecting the claim of the Petitioner, which is challenged in this Writ Petition.

2. During the hearing on 01.08.2019, the Petitioner filed an affidavit dated 31.07.2019, undertaking to pay the sum of Rs.43,02,469/- within a period of four weeks, for which the Respondents furnished a working-sheet showing the calculation for the amount due from the Petitioner.

3. When the matter is called today for reporting compliance, it is informed that the Petitioner has not remitted the amount as undertaken by him within the stipulated time limit. In view of the same, the Petitioner cannot claim any further indulgence of the discretionary powers of this Court. Further, no infirmity has been shown in the decision making process of the Second Respondent while passing the impugned order.

4. Accordingly, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

maya/gsa
To

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Chennai - 600 035.

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+1cc to Mr.R.Bharath kumar , Advocate SR.No. 75431

+1cc to Mr. P. Saravana Sowmiyan , Advocate SR.No. 75355

W.P. No. 29770 of 2018

A.SK(16/10/2019)