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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.23483 of 2013

J.Velayutham ...Petitioner

-Vs-

1. The Executive Engineer & Ado.,
   J.J.Nagar Division, Shopping Complex,
   Anna Nagar West Extension, Chennai-101.

2. TamilNadu Housing Board,
   Rep. by its Managing Director,
   Nanthanam, Chennai-35 ...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 1st respondent to refund the sum of money Rs.11,56,650/- paid towards the initial deposit together with interest at 18% per annum within the time fix by this Honourable Court.

For Petitioner : No Appearance

For Respondents : Mr.D.Veerasekaran,
Standing Counsel

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O R D E R

This court passed an order on 4.12.2020 as follows:

"4.Subsequent to the filing of the writ petition seeking the refund, the Housing Board was willing to confirm the sale, subject to approval from the local body. However, the Commissioner of Villivakkam Panchayat Union had rejected the approval as early as on 13.02.2014 for the reason that the size of the plot is not divisible. Therefore, the layout itself is not approved. It is not possible for the Housing Board to sell the plot to the petitioner and the respondent-Housing Board has to refund the amount. The above mentioned amount is in the hands of the respondent-Housing Board from the year 2013. The respondents could have refunded the amount immediately after the rejection of the approval by the local body. Having failed to do so, the petitioner is entitled to interest, while refunding the said amount, for which, the petitioner has claimed interest of 18% per annum. This Court is of the view that awarding 6% of interest would be appropriate. Accordingly, the second respondent-Housing Board is directed to refund a sum of Rs.11,56,650/- with 6% interest per annum to the petitioner within a period of two weeks from the date of receipt of the said sums till the date of payment.

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5.With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

6.Post the matter 'For Reporting Compliance' on 08.01.2021."

2.The matter was listed for reporting compliance and there was no representation on the part of the petitioners. This Court directed the Housing Board to refund the amount. The learned counsel appearing for the Housing Board made a submission that the principle amount had already been deposited by the Tamil Nadu Housing Board on 31.12.2020.

3.That being the factum established, no further orders are required. Accordingly, the writ petition stands **closed**. No costs.

(sha) 25.04.2023
Index : Yes
Speaking Order
Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

(sha)

To

1. The Executive Engineer & Ado.,
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2. TamilNadu Housing Board,
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