



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.(MD).No.19308 of 2020

and W.M.P.(MD).No.16107 of 2020

WEB COPY

A.Murugesan

.. Petitioner

Vs.

1.The Executive Engineer,
Tamil Nadu Housing Board,
Ellis Nagar, Madurai.

2.The Administrative Officer / Manager,
Marketing and Services,
Tamil Nadu Housing Board,
Ellis Nagar, Madurai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent herein to accept the entire due payment for house plot in Door No.751, Scheme : 3203 - Sector I and II, Block : MIG - B, Anaiyur, Madurai by considering petitioner's representation dated 23.10.2020, within the time limit stipulated by this Court.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondents : Mr.Mahaboob Athiff
Standing Counsel

ORDER

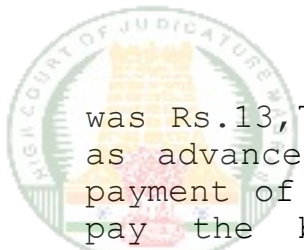
(This writ petition is heard through video conference)

This writ petition has been filed for a Mandamus seeking for a direction to the 2nd respondent to accept the entire due payment from the petitioner for the house plot in Door No.751, Scheme : 3203 - Sector I and II, Block : MIG - B, Anaiyur, Madurai by considering petitioner's representation dated 23.10.2020, within the time limit stipulated by this Court.

2.Heard Mr.M.Jegadeesh Pandian, learned counsel appearing for the petitioner and Mr.Mahaboob Athiff, the learned Standing Counsel, who accepts notice on behalf of the respondents.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.It is the case of the petitioner that he was allotted aforesaid plot by the respondent and the total sale consideration



was Rs.13,75,000/-, out of which he has paid a sum of Rs.2,00,000/- as advance. According to him, he has committed default in the payment of balance amount. According to him, now he is prepared to pay the balance amount. He has given a representation on 23.10.2020, giving reasons for the delayed payment and he has also requested the second respondent to accept the balance payment towards the purchase of the above mentioned plot. However, it is his case that the said representation has not been considered by the respondent. In such circumstances, this writ petition has been filed.

5.The learned Standing Counsel for the respondent on instructions would submit that the respondent is prepared to consider the petitioner's representation. However, he would further submit that under the agreement entered into with the petitioner, if there is any delay in the payment of installments, the respondent has got the right to cancel the allotment.

6.No positive direction can be issued by this Court as sought for in this writ petition. The only limited relief that can be granted to the petitioner is to direct the first respondent to consider the petitioner's representation dated 23.10.2020, requesting the first respondent to permit him to pay the balance amount for the purchase of the aforementioned plot, despite the fact that he has committed default in the payment of installments as per the allotment letter. No prejudice will be caused to the respondent, if the representation of the petitioner is considered by him on merits and in accordance with law.

6.For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation dated 23.10.2020, requesting the first respondent to accept the balance payment towards the allotment of the aforementioned plot, despite the petitioner having committed default in the payment of installments and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7.With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

**W.P. (MD) .No.19308 of 2020
23.12.2020**

VB (07.01.2021) 3P 1C