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Cont. P. No. 269 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2021

Coram :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

Contempt Petition No. 269 of 2016

B.Murugan,
MIG 97, Thamarai Nagar,
Thiruvannamalai District,
Pincode-606 601.

.. Petitioner

Versus

Mr.V.Selvamani
The Manager (Sales and Service),
Vellore Housing Unit – TNHB,
Phase – 1, Sathuvachary,
Vellore & District – 632 009.

.. Respondent

Contempt Petition filed under Section 11 of The Contempt of Courts Act, 1971 praying to summon the respondent herein and punish him under Section 11 of the Contempt of Courts Act for his wilful violation of the order dated 08.01.2014 passed by this Court in WP No. 5770 of 2013

For Petitioner : Mr. K.Thilageswaran
For Respondent : Mr. R. Bharathkumar

ORDER

This contempt petition is filed by the petitioner complaining non-compliance of the order dated 08.01.2014 passed by this Court in WP Nos. 13243 of 2013 etc., batch. In Para No. 19 to 24 of the order dated



08.01.2014, this Court issued the below mentioned directions while allowing the

aforesaid Writ Petitions

" 19. The law is therefore clear that the Housing Board is entitled to collect the land value paid or payable to the landowners along with statutory interest.

20. The impugned notices do not contain the break up of cost as indicated in Service Society.

21. The Tamil Nadu Housing Board appears to have calculated the balance amount payable by the petitioners taking into account the Government Order in G.O. Ms. No.215, Housing & Urban Development Department dated 28 September 2012. Though a reference was made to the difference in land cost, there was no indication about the enhancement made by the Reference Court with modification if any, made by the Appellate Court, interest paid to the land owners and other relevant details so as to enable the allottees, to have an idea with regard to each of the components. In case the reference proceedings are pending under Section 18 of the Land Acquisition Act, either before the Reference Court or Appellate Court, calculation must be made by taking into account the maximum amount claimed by the land owners. The allottees would be benefited in case the land cost along with the statutory interest is deposited early, as otherwise, they are liable for interest after the conclusion of Section 18 proceedings.

22. The Tamil Nadu Housing Board is permitted to collect the differential cost and statutory interest in accordance with the Judgment in Service Society.

23. In the result, the impugned notices are all set aside. The concerned division is directed to prepare a statement of cost indicating the development cost and land cost and statutory interest in the light of the judgment in Service Society. The notice calling upon the allottees to pay the balance amount must accompany a copy of the statement of cost. In case petitioners have made payments pursuant to the impugned notices, such payments shall be given due credit. The petitioners should be given reasonable time to pay the balance amount after service of notice.



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4. Today, when this contempt petition is taken up for hearing, it is submitted by the learned counsel appearing for the petitioner as well as the respondent that the parties to this contempt petition subjected themselves to arbitration proceedings, the Arbitral Tribunal also heard the arguments of the counsel for all the parties and reserved the proceedings for passing final order. It is also stated that the final order is likely to be passed by the Arbitral Tribunal very shortly. The said statement of the counsel for both sides is recorded.

5. In the light of the above, this Contempt Petition is closed. No costs. Liberty is given to the petitioner to work out his remedy, if any, under law, on the basis of the award to be passed by the Arbitral Tribunal.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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