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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2021

Coram :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

Contempt Petition No. 650 of 2016

G.R.Subramanian,
M.A. 146, Ist Block,
Ganapathy Maa-nagar,
Ganapathy, Coimbatore-06,
Coimbatore District. .. Petitioner

Versus

1.Sri.Mohan Pyare I.A.S.,
State of Tamil Nadu,
Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai - 600 009.

2.Sri.Dr.R.Palaniswamy I.A.S.,
The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai, Nandanam,
Chennai - 600 035.

3. Sri.D.Shanmugam,
The Executive Engineer and Administrative Officer,
Coimbatore Housing Unit,
Tatabad, Coimbatore - 641 012.

.. Respondents

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Contempt Petition filed under Section 11 of The Contempt of Courts Act, 1971 praying to summon the respondents herein and punish their under Section 11 of the Contempt of Courts Act for their wilful violation of the order dated 08.01.2014 passed by this Court in WP No. 10273 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

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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.

24. The writ petitions are allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

2. When Contempt Petition Nos. 3394 to 3403 of 2014 etc., batch were taken up for hearing on 16.03.2016, which is connected to this Contempt Petition, this Court passed the following Order.

"The learned Additional Advocate General seeks time to prepare a chart indicating the amount paid to the land owners by complying with the Award passed by the Land Acquisition Officer or in case of enhancement, the concerned number of the Land Acquisition Original Petition and details regarding enhancement made by the High Court or Supreme Court and the date of deposit of the enhanced amount before the Reference Court and date of completion of the project and the date of allotment.

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2. The learned Additional Advocate General wanted this matter to be posted on 30th March 2016. The concerned petitioners are directed to submit their response with regard to the individual demands made by the Housing Board in the meantime.

Post on 30th March 2016."

3. Subsequently, when Contempt Petition Nos. 3394 of 2014 etc., batch was taken up for hearing on 03.04.2019, this Court passed the below mentioned order:-

"The learned counsel for the parties jointly submitted that the learned Arbitrator is now seized of the matter. According to the learned counsel, the Arbitrator has already heard the arguments and orders would be passed very shortly.

2. Post on 2nd July 2019.

3. The time for completion of arbitration proceedings is extended accordingly.

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.

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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.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GS/11/10/2021

To
The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai-600 009.

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