



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2021

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The Honourable Mrs.Justice Pushpa Sathyanarayana
and
The Honourable Mr.Justice Krishnan Ramasamy

W.A.No.1212 of 2021
and C.M.P.No.7713 of 2021

S.Manimegalai ... Appellant

vs

1.The Chairman and Managing director,
Tamil Nadu Housing Board,
Nandanam
Chennai - 600 035.

2.The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Salem Housing Unit,
Salem.

... Respondents

Prayer:Writ Appeal filed under clause 15 of the Letters Patent Act against the final order dated 06.02.2020, made in W.P.No.7258 of 2010.

Prayer in W.P.No.7258 of 2010 : Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus Calling for the entire records relating to the proceedings of the first respondent made in Lr.No.Allotment Revoc/522/80/2009 dated 11.01.2010 and quash the same and direct the respondents to Register and release the Sale Deed bearing in favour of the petitioner in respect of the proceeding residential flat bearing House M1/8 MIG Kottakoundanpatty projects Salem to the petitioner by considering her representation dated 07.03.2010 in the light of the TNHB Resolution No.9.05 dated 23.04.2007 passed by the Department dated 16.07.2004 for interest freezing with respect to the petitioner above said house concern

For Appellant : Mr.C.Kanagaraj

For Respondent : Dr.R.Gouri

JUDGMENT

(Delivered by Pushpa Sathyanarayana.J.,)

This Writ Appeal is directed against the order of the learned Single Judge made in W.P.No.7258 of 2010 dated



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2.The appellant herein had filed the Writ Petition, challenging the letter dated 11.01.2010, passed by the first respondent, revoking the cancellation of the allotment made in favour of the petitioner for House bearing No.M1/18 MIG Kottakoundanpatty projects, Salem subject to the payment of Rs.6,36,540/-.

3.The learned Single Judge had found that the writ petitioner had not accepted the offer made by the first respondent-Housing Board in the revocation order dated 21.11.2009, but had been delaying in making the payment by challenging the order, as it is only an allotment and there is no concluded contract, the petitioner cannot dictate any terms. Therefore, the writ petition was dismissed.

4.In the writ appeal filed by the writ petitioner, the learned counsel for the respondents pointed out that as on date, the outstanding value of the property payable by the appellant is Rs.11,44,964/-, which includes interest for the delayed payment also and the land is to the extent of 1211 sqft with building to the extent of 429 sqft.

5.Upon instructions, the learned counsel for the appellant would submit that the appellant is willing to pay the said amount in full quit and get the sale deed executed in her favour. However, the learned counsel seeks some time to pay the same.

6.Accordingly, the appellant is directed to pay the amount of Rs.11,44,964/- (Eleven lakh fourty four thousand nine hundred and sixty four rupees only) being the value of the property indicated above within a period of three months from the date of receipt of a copy of this order and on receipt of the entire amount, the respondents - Housing Board shall execute the sale deed in favour of the appellant within a period of one month thereafter.

7.With the above direction, the Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

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To:

1.The Chairman and Managing director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.



2.The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Salem Housing Unit,
Salem.

+1cc to Mr.C.Kanagaraj, Advocate SR.No.47252

W.A.No.1212 of 2021
and C.M.P.No.7713 of 2021

GPL (CO)
GMY (22/10/2021)