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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.33621 OF 2013

AND

M.P.NO.1 OF 2013

L.Vasundhara Devi

...Petitioner

Vs

1. The Chairman & Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai, Nandanam,
Chennai - 600 035.

2. The Executive Engineer & Administrative Officer,
Anna Nagar Division,
Tamil Nadu Housing Board,
Thirumangalam, Chennai - 600 101.

... Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in respect of the letter bearing No.AND/113/3381/2008 dated 06.8.2012 issued by the 2nd respondent and quash the same and direct the 2nd respondent to execute and register the Sale Deed in favour of the petitioner in respect of the Flat bearing No.J-3, 80 HIG Flats, Madavaram, Chennai.

For Petitioner : Mr.L.Rajasekar

For Respondents : Mr.R.Bharathkumar
[For R1 & R2]

O R D E R

The order dated 06.08.2012, asking the petitioner to pay a sum of Rs.3,24,000/- towards flat cost and interest is under



challenge in the present writ petition.

2. The petitioner is a retired Government employee and applied for allotment of HIG Flat at Madavaram Self Finance Scheme. As per the terms and conditions of the allotment, the cost has been paid in three installments, more specifically, 30% of the cost to be paid on or before 08.04.2009, 35% of the cost to be paid on or before 08.07.2009 and 20% of the cost to be paid on or before 08.10.2009. However, the petitioner has paid only on 10.11.2010 and committed a default in payment of installments as per the schedule. Thus, the respondents directed the petitioner to pay the balance cost along with the interest as per the terms and conditions of the allotment.

3. This Court is of the considered opinion that the petitioner had violated the terms and conditions of the contract. If at all, she is willing to retain the allotment, she has to pay the entire cost amount along with the interest as per the terms and conditions, failing which, the petitioner has to surrender the flat to the respondents-Tamil Nadu Housing Board.

4. This being the option, which can be exercised by the petitioner, this Court cannot grant any relief in respect of the demand made by the respondents consequent to the default committed by the petitioner. Thus, the petitioner has not established any acceptable ground for the purpose of interference and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman & Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai, Nandanam,
Chennai - 600 035.



2. The Executive Engineer & Administrative Officer,
Anna Nagar Division,
Tamil Nadu Housing Board,
Thirumangalam, Chennai - 600 101.

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+1cc to Mr.L.Rajasekar, Advocate, S.R.No.54673
+1cc to Mr.R.Bharathkumar, Advocate, S.R.No.54856

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RSV(CO)
PM/12/11/2021