



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23186 of 2016

and

W.M.P.No.19893 of 2016

Mrs.B.Rani

...Petitioner

Vs

1. The Managing Director,
Tamil Nadu Housing Board(TNHB),
493, Anna Salai,
Nandanam,
Chennai 600 035.

2. The Executive Engineer,
Tiruvannamalai Division,
Tamil Nadu Housing Board,
Tiruvannamalai - 606 601

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling the records pertaining to the proceedings in A6/554/2013 dated 15.03.2016 on the file of the second respondent and quash the same and consequently direct the second respondent to convey all the interest and title in the HIG type House No.1031 at Tirupathur Phase II, Vellore District in favour of the petitioner.

For Petitioner : Mr.M.Chinnathambi

For Respondent : Mr.R.Bharathkumar
[For R1 and R2]

O R D E R

The relief sought for in the present writ petition is to call for the records pertaining to the proceedings in A6/554/2013 dated 15.03.2016 on the file of the second respondent and quash the same and consequently, to direct the second respondent to convey all the interest and title in the HIG type House No.1031 at Tirupathur Phase II, Vellore District in favour of the petitioner.



2. Admittedly, the allotment of the house was made in favour of the writ petitioner in the year 1998. The order impugned dated 15.03.2016 states that the petitioner has given in writing that he will settle the entire cost amount of the allotted house on or before 25.03.2015. But, he failed to deposit the said amount with the Housing Board. Thus, it is again reiterated that the allotment will be cancelled. The impugned order was a further opportunity, provided to the writ petitioner to deposit the cost amount of the house allotted.

3. The learned counsel appearing on behalf of the Housing Board made a submission that the allotment was made in the year 1998 and the petitioner was a defaulter and the allotment was cancelled on 14.02.2001 itself. Thereafter, he has not taken any action to settle the amount. However, only in the year 2015, the petitioner given an undertaking, stating that he is willing to deposit the amount. Even such an undertaking given in the year 2015 was not complied with by the petitioner.

4. This being the factum, this Court is not inclined to consider the relief. If at all, the petitioner is willing to restore the allotment made, it is for him to pay the entire cost amount and approach the authorities and in such circumstances, the authorities have to consider the case of the petitioner only on merits and in accordance with law.

5. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu Housing Board(TNHB),
493, Anna Salai,
Nandanam, Chennai 600 035.

2. The Executive Engineer,
Tiruvannamalai Division,
Tamil Nadu Housing Board,
Tiruvannamalai - 606 601.

+1 cc to Mr.R.Bharathkumar, Advocate Sr.NO. 51687

W.P.No.23186 of 2016

BP (CO)
A.SK(26.10.2021)