

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.04.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.8783 OF 2021

AND

W.M.P.NO.9409 OF 2021

S.Selvarasu

...Petitioner

Vs.

1.The Tamil Nadu Housing Board
Rep. by its Managing Director
9th Floor, CMDA Complex
E & C Market Road
Koyambedu, Chennai-107

2.The Executive Engineer
Special Projects Division-II
Tamil Nadu Housing Board
TNHB Shopping Complex
2nd Floor (right wing)
Tirumangalam, Chennai-101

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st and 2nd respondents to issue necessary forms including Forms A and B and to co-operate with the petitioner to enable him to complete sale transaction pertaining to the flat allocated to the petitioner vide allotment order in Letter No.A/2177/2011 dated 10.05.2011 upon considering the petitioner's representation dated 27.03.2021.

For Petitioner : Mr.V.Prakash, Senior Counsel
for M/s.Swarnam J Rajagopalan
For Respondents : Mr.R.Bharath Kumar
Standing Counsel

O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the 1st and 2nd respondents to issue necessary forms including Forms A and B and to co-operate with the petitioner to enable him to complete the sale transaction

pertaining to the flat allocated to the petitioner vide allotment order in Letter No.A/2177/2011 dated 10.05.2011 upon considering the petitioner's representation dated 27.03.2021.

2. The case of the petitioner is that he has been allotted a flat bearing No.3, 5th Floor in Block No.K at Nerkundram Scheme under Own Your Housing Scheme by the Tamil Nadu Housing Board. According to him, he has paid a substantial part of the sale consideration and due to delay in getting bank loan, the balance sale consideration has not been paid. He has given a representation on 27.03.2021 to the Tamil Nadu Housing Board, requesting them to issue Forms A and B in accordance with the allotment letter. In such circumstances, he has filed this writ petition.

3. Heard Mr.V.Prakash, learned Senior Counsel for the petitioner and Mr.R.Bharath Kumar, learned Standing Counsel, accepts notice on behalf of the respondents.

4. On instructions, Mr.R.Bharath Kumar, learned Standing Counsel for respondents, would submit that the respondents are willing to grant time for the petitioner to make the payment up to 30.04.2021. and for this submission, learned Senior Counsel for the petitioner, on instructions, agrees.

5. After recording the rival submissions, this Court, directs the petitioner to pay the balance sale consideration of Rs.48,00,000/- (Rupees Forty Eight Lakhs only) to the Tamil Nadu Housing Board on or before 30.04.2021 and on receipt of the same on or before the stipulated date, the respondents shall execute the Sale Deed in favour of the petitioner. In case, the petitioner fails to pay the balance sale consideration on or before the stipulated date, the respondents are at liberty to take action in accordance with the terms and conditions of the allotment letter for cancellation of the allotment in favour of the petitioner. It is made clear that on payment of the balance sale consideration on or before the stipulated date, the respondent shall co-operate in the early execution of the sale deed in favour of the petitioner.

With the aforesaid directions, this Writ Petition is disposed of. No costs. Connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(I)

True Copy

Sub-Assistant Registrar

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To

1.The Managing Director
Tamil Nadu Housing Board
9th Floor, CMDA Complex
E & C Market Road
Koyambedu
Chennai-107

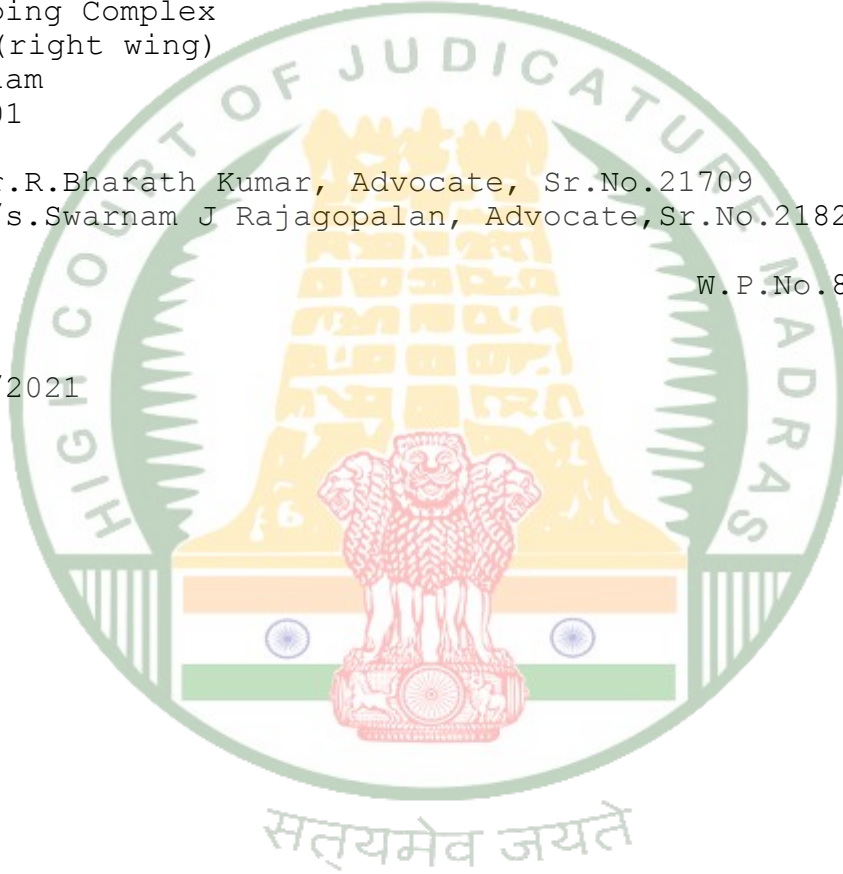
2.The Executive Engineer
Special Projects Division-II
Tamil Nadu Housing Board
TNHB Shopping Complex
2nd Floor (right wing)
Tirumangalam
Chennai-101

+lcc to Mr.R.Bharath Kumar, Advocate, Sr.No.21709

+lcc to M/s.Swarnam J Rajagopalan, Advocate, Sr.No.21828 (07/04/21)

W.P.No.8783 of 2021

KV(CO)
KKV/01/04/2021



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