



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.3498 of 2019
and C.M.P.No.22419 of 2019

- 1.The Chairman and Managing Director,
Tamil Nadu Housing Board,
No.403, Anna Salai, Nandanam,
Chennai - 35.
- 2.The Executive Engineer and Administrative
Officer, Hosur Tamil Nadu Housing Unit,
Bagalur Road, Hosur - 635 109. .. Appellants/Respondents

Vs

- 1.Mohandass ..Respondent/Petitioner
- 2.The Secretary to Government of
Tamil Nadu,
Housing and Urban Development
Department, Fort St. George,
Chennai - 9. .. Respondents/Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 04.12.2018 made in W.P.No.758 of 2011.

Prayer in W.P.No.758 of 2011 : Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings in Letter No.HR-7/4382/2003, dated 26.02.2010 and notification dated 18.2.2010 published in "Daily Thanthi" in respect of S.No.1 is concern of the 3rd Respondent and to quash the same and consequently to direct the 3rd Respondent to restore the order of allotment, dated 25.07.2003 in Letter No.HR.9/04382/2003 in favour of the Petitioner.

For Appellant : Dr.R.Gouri
For Respondents : Mr.Ragavendran
for Mr.R.Murali for R1



JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

WEB COPY This appeal lies in a very narrow compass. Learned counsel appearing for the appellants submitted that the first respondent/writ petitioner is liable to pay the amount fetched in the auction whereas the learned counsel appearing for the first respondent submitted that the outstanding amount is the only money which he is liable to pay as per the calculation memo as agreed upon.

2. We have perused the order of the learned single Judge. The following is the operative portion of the order passed:

"6. The learned standing counsel for the Respondent Board would submit that the Petitioner committed default in paying instalments and hence, the allotment was cancelled, but however, the Petitioner may be directed to pay the entire outstanding amount to show his bonafide within a specified time and in such event, the case of the Petitioner would be considered, in accordance with law.

7. It is seen that the impugned notification issued by the Respondent Board to sell the Plot in question through public auction has now become infructuous. Therefore, in the light of the submissions of the learned counsel on either side and the aforesaid facts and circumstances of the case, this Writ Petition is disposed of, with the following directions:-

i. The Petitioner shall pay the total outstanding amount, as per the calculation memo, dated 30.11.2018, to the Respondent Board in two instalments as follows:-

a) The Petitioner shall pay a sum of Rs.5,00,000/- (Rupees five lakhs only), being the first instalment, to the Respondent Board, within a period of two weeks, from the date of receipt of a copy of this Order.

b) Thereafter, the Petitioner shall pay the entire balance amount, being the second and final instalment, to the Respondent Board, as per the calculation memo, within a period of six weeks thereafter.

ii). If there is any default in making payment as stated above, on the part of the Petitioner, the Respondents are at liberty to proceed further to



sell the property in question, in accordance with law, without any further reference to this Court."

3. From the above, it appears that the aforesaid order was passed on the premise that the appellant has conceded that the first respondent/writ petitioner may be directed to pay the entire outstanding amount to show his bonafide within a reasonable time. If the said statement is wrong, no appeal would lie except by way of review.

4. In such view of the matter, the writ appeal stands closed giving liberty to the appellants to file a review, if so advised, within a period of four weeks from the date of receipt of a copy of this judgment. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

mmi/ssm

To

The Secretary,
Government of Tamil Nadu,
Housing and Urban Development
Department, Fort St. George,
Chennai - 9.

+1cc to M/s.R.Murali, Advocate SR.No.31938

W.A.No.3498 of 2019

RP(CO)
GMY(03/08/2021)