



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.42647 OF 2016

AND

W.M.P.NO.36563 OF 2016

K.Ranganayagi

... Petitioner

.Vs.

1. The Managing Director,
Tamilnadu Housing Board Department,
Nandhanam, Chenani.
2. The Executive Engineer @ Administrative Officer,
Thirumalezai,
No.792, T.K.S.P.M. Towers (First Floor),
Trunk Road, Poonthamali,
Chennai - 600 056.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent in K.A.No.The.Thu.Ko.Na.Ko/A4/372115/98 dated 15.11.2016 and quash the same and consequently, direct the first respondent herein to issue the sales certificate for the allotted plot after the receipt of arrears of dues pursuant to representation dated 16.11.2016 issue the sales certificate for the allotted house plot bearing no.1494-A under Thiruvur Housing Plan dated 06.07.1998 after the receipt of arrears of dues pursuant to representation dated 16.11.2016.

For Petitioner : Mr.V.Karnan

For Respondents : Mr.R.Bharath Kumar
(For R1 & R2)
(For TNHB)



O R D E R

The order dated 15.11.2016 passed by the second respondent is sought to be quashed and a direction is sought for to issue sales certificate for allotted house bearing plot No.1494-A under Thiruvur Housing Plan dated 06.07.1998, after receipt of arrears of dues, pursuant to representation dated 16.11.2016.

2. The case of the petitioner is that the petitioner was allotted with a plot bearing No. 1494-A under Thiruvur Housing Plan and further, the petitioner paid 10 monthly installments out of 52 monthly installments.

3. The grievance of the petitioner is that on account of certain personal problems, she was not in a position to pay installments promptly and now she is ready to pay the installments due, if an opportunity is provided to her.

4. Learned counsel appearing on behalf of the respondent-Housing Board objected the said contentions by stating that the show cause notice for non-payment of the dues was served to the allottee/petitioner on 11.05.2000 and subsequently, cancellation order was issued vide letter No.TR.1/372115/1998 dated 29.08.2000 for non-payment of monthly installment due. However, further opportunity provided to the allottee/petitioner to pay the outstanding installment dues forthwith. The outstanding due was calculated as on July 2002 and the allottee/petitioner has to pay 52 monthly installments, i.e., Rs.57,772/- up to July 2002. But the allottee has paid only 10 monthly installments, i.e., Rs.10,833/- as on July 2002 and hence, again the allottee/petitioner was requested vide letter No.TR.1/372115/1998 dated 01.08.2002 to pay the monthly installments due and the revocation fee of Rs.1,000/- in order to revoke the cancellation. But the allottee has not turned up and not paid the outstanding due for revocation of the cancellation order.

5. However, the petitioner has not approached the authorities for more than 5 years and thereafter, she has submitted a representation dated 14.06.2016 and based on the representation, the impugned order dated 15.11.2016 has been passed. Taking advantage of the subsequent order dated 15.11.20016, the present writ petition was filed. The cancellation order passed on 29.08.2000, which was received by the allottee/petitioner on 12.09.2000 was not challenged, during the relevant point of time. Contrarily, it is contended that the petitioner has paid some installments in the year 2007. However, the said payment was made, after the cancellation of the said allotment and even after 2007, there was a long gap and the writ petition was filed in the year 2016, after a lapse of 16 years



from the date of order of cancellation of the allotment passed by the competent authorities vide proceedings dated 29.08.2000.

6. This being the factum, the petitioner has failed to comply with the terms and conditions of the allotment made. The petitioner is a chronic defaulter and she has not paid the balance installments due in spite of the opportunities provided by the Tamilnadu Housing Board.

7. In view of the fact that the allotment was cancelled in the year 2000 and now after a period of 21 years, there is no scope for considering the relief as such sought for in the present writ petition.

8. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Managing Director,
Tamilnadu Housing Board Department,
Nandhanam, Chenani.
2. The Executive Engineer @ Administrative Officer,
Thirumalezai,
No.792, T.K.S.P.M. Towers (First Floor),
Trunk Road, Poonthamali,
Chennai - 600 056.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.53021

+1cc to Mr.V.Karnan, Advocate, S.R.No.53289

W.P.NO.42647 OF 2016

RSI (CO)
PBS/28/10/2021