



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-11-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP NO.12105 OF 2014

Mrs.K.B.Rajiya Bagum

..Petitioner

.vs.

1. The Managing Director,
Tamil Nadu Housing Board,
Tamil Nadu Housing Board Building,
Anna Salai,
Nandanam,
Chennai - 600 035.

2. The Executive Engineer,
Tamil Nadu Housing Board,
Tamil Nadu Housing Board Building,
Anna Salai,
Nandanam,
Chennai - 600 035.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to return the petitioner the balance amount of Rs.1,04,600/- (Rupees One Lakh Four Thousand and Six Hundred only) on the basis of the representation dated 03.09.2013 made by the petitioner.

For Petitioner : Mr.Mayilai Sugumar

For Respondents: Mr.R.Bharathkumar

O R D E R

The relief sought for in the present writ petition is to direct the respondents to return the petitioner the balance amount of Rs.1,04,600/- on the basis of the representation submitted by the petitioner on 03.09.2013.



2. The petitioner was allotted with HIG Flat and she paid a sum of Rs.2,09,200/-. However, the petitioner has not paid the full cost amount and subsequently, the allotment was cancelled on 10.10.2012. Thereafter, the petitioner made an application for refund of the amount deposited.

3. As per the terms and conditions of the allotment, the petitioner had already received 50% of the amount deposited and she has issued receipt for the said amount. While-so, the petitioner has filed a writ petition, after accepting 50% of the amount as per the Rules in force.

4. In view of the fact that the petitioner has accepted the refund amount of 50% and acknowledged the same, if at all any other relief is to be granted, the petitioner has to approach the Competent Court of Law for adjudication of the disputes.

5. Contrarily, without adjudication of disputed issues, the Writ Court cannot simply direct the Housing Board to return the entire money deposited by the petitioner. For resolving these issues, the terms and conditions of the contract are to be considered essentially and for such an allotment, adjudication cannot be undertaken in this writ proceedings under Article 226 of the Constitution of India. Thus, liberty is granted to the petitioner to approach the Competent Court of Law for the redressal of her grievances, if any.

6. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Managing Director,
Tamil Nadu Housing Board,
Tamil Nadu Housing Board Building,
Anna Salai,
Nandanam,
Chennai - 600 035.



2. The Executive Engineer,
Tamil Nadu Housing Board,
Tamil Nadu Housing Board Building,
Anna Salai,
Nandanam,
Chennai - 600 035.

+lcc to Mr.R.Bharathkumar, Advocate, S.R.No.61897

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KSM(CO)
PM/09/12/2021