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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24973 of 2021

L.Chandra Bai

... Petitioner

Vs.

1.The Chairman

Tamil Nadu Housing Board,
Nandanam,
Chennai 35.

2.The Executive Engineer and
Administrative Officer
Tamil Nadu Housing Board,
Besant Nagar Division,
Adyar, Chennai 600 020.

3.The Manager/ Marketing and Services,
Tamil Nadu Housing Board,
Besant Nagar Division,
Adyar,
Chennai 600 020.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the balance interest to the petitioner for the belated construction and entrustment of the Flat in Sholinganallur Phase II, KK Salai, Chennai 117 @ 10.5% per annum based on the calculation memo attached within a reasonable time.

For Petitioner : Mr.K.Venkataramani
Senior Counsel
for Mr.M.Muthappan

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to pay the balance interest to the petitioner for the belated construction and entrustment of the Flat in Sholinganallur Phase



II, KK Salai, Chennai 117 @ 10.5% per annum based on the calculation memo attached within a reasonable time.

2.The case of the petitioner is that the respondent Board called for application from eligible persons for sale of flats under the Higher Income Group in Besant Nagar Division under self-financing scheme for the building to be constructed at Sholinganallur and the petitioner applied for the same on 28.01.2011 enclosing an initial amount of Rs.1,60,000/- and an agreement of sale was entered into between the parties on 06.06.2011. Thereafter the petitioner paid the entire amount in time and the final payment was made on 23.09.2020.

3.The further case of the petitioner is that the petitioner received a communication on 24.09.2020 from the third respondent stating that the petitioner has been allotted HIG Flat No.H-89, 10th Floor at Sholinganallur Phase II Scheme and the same will be handed over on or before 30.09.2020, however, the petitioner took possession of the flat only on 30.10.2020. As per the said agreement, the vendor namely, Housing Board, is liable to pay interest @ 4% for the amount paid to the vendor for the period beyond the project period. According to the petitioner, the Housing Board has to pay a sum of Rs.9,97,570/- towards interest, whereas, the Housing Board has only paid a sum of Rs.5,28,300/- to her and the remaining Rs.4,69,270/- was not paid. In this regard, the petitioner made representation dated 30.07.2021 to the second respondent and since there was no response, the petitioner has filed this writ petition.

4.The learned Senior Counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice, if this Court issues direction to the second respondent to consider the petitioner's representation dated 30.07.2021 and to pass appropriate orders within a reasonable time frame.

5.Since this Court is not inclined to pass any adverse order as against the Tamil Nadu Housing Board, notice to the respondents is dispensed with.

6.Considering the limited request made by the learned Senior Counsel appearing for the petitioner, this Court without expressing any opinion on the merits of the case, issues direction to the second respondent to consider the petitioner's representation dated 30.07.2021 on merits and in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.



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7.The writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chairman
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Nandanam,
Chennai 35.
- 2.The Executive Engineer and
Administrative Officer
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- 3.The Manager/ Marketing and Services,
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Adyar, Chennai 600 020.

+1cc to Mr.M.Muthappan, Advocate SR.No.60793

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RR(CO)
GN(04/01/2022)