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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

Cont.P.No.1961 of 2019 and
Sub Application (OS) No. 536 of 2019

M.Neela,
No.52/34, Thirupalli Street,
Sowcarpet, Chennai 600 079

... Petitioner

/Vs/

Mr. Rajkumar,
Manager & Marketing service,
Mogappair Housing Board,
Tamil Nadu Housing Board,
Thirumangalam,
Chennai- 600 101.

... Respondent

Prayer: Contempt Petition filed under section 11 of the Contempt of Courts Act, 1971, praying to punish the respondent for willful disobeying the orders of the High Court dated 27.07.2018 passed in W.P.No.5461 of 2009.

For Petitioner : Mr.George Graham
For M/s Devadason and Sagar
For Respondent : Mr.Bharathkumar

ORDER

The petitioner is the wife of the deceased Mr.M.V.Mohan. On 26.04.2002, Mr.M.V.Mohan was allotted the housing plot No.1046, H.I.G.

Type at Mogappair Eri Scheme of Tamil Nadu Housing Board. The husband of the petitioner died on 23.07.2007. While so on 20.11.2007, the petitioner



received a letter from the second respondent/TNHB, calling upon the deceased to pay a sum of Rs.43,20,400/- within 21 days. On receipt of the communication dated 20.11.2007, the petitioner was directed to pay a sum of Rs.17,28,160/- on 06.02.2007 and it was also acknowledged by the respondents. According to the petitioner, the apprehend that the respondents may allot the plot to some other party for some obvious reasons. Therefore, the petitioner herein along with two others have filed the writ petition in W.P.No.5461 of 2009 before this Court for mandamus to direct the respondents to allot the plot No.1046, H.I.G. Type at Mogappair Eri Scheme of Tamil Nadu Housing Board in the name of the petitioner who is the wife of the deceased Mr.M.V.Mohan.

2. By order dated 27.07.2018, this Court after taking note of the rival submissions, directed the respondents to issue an order of allotment in favour of the petitioner. While setting aside the order of allotment issued by the respondents in favour of the fifth respondent in the writ petition.

3. The petitioner contending that the respondents have not given for an order of allotment as directed by this Court in W.P.No.5461 of 2009, has filed the present Contempt Petition.

4. On notice, the second respondent/TNHB filed counter affidavit

in this Contempt Petition in Para Nos.5 & 6, it was stated as follows:-



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"I state that the TNHB came to know about the said fact of the death of the original allottee only upon the receipt of the representation dated 28.01.2008 of the petitioner herein. Since, the petitioner had paid the initial deposit in favour of the deceased allottee by suppressing the fact of death, the provisional allotment order becomes invalid. Thereafter, the Government has passed a G.O. (2D) No.380, Housing and Urban Development Department, dated 08.04.2008 under its discretionary quota wherein allotting the subject plot to the 5th respondent therein in the writ petition and the TNHB has collected an amount of Rs.60,21,00/- being the cost of the subject plot along with the interest for the defaulted period.

6. I state that thereafter, the petitioner herein has filed the writ petition bearing no.5461 of 2009 before this Court seeking direction to the TNHB to allot the said subject plot in the name of the petitioner and permit her to pay the remaining installments. This Court, vide order dated 27.07.2018 by setting aside the



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allotment made in favour of the 5th respondent therein in the writ petition and directed the TNHB to give the allotment in favour of the 1st petitioner. Subsequent to the order passed by this Court, the issue has been placed before the Board and the Board, vide its resolution No.9.01 dated 27.06.2019 resolved to issue the sale deed in favour of the petitioner.

5. In the light of the above statement made by the respondents in the counter affidavit, this Court is of the considered view, that the respondents have complied with the order passed by this Court dated 27.07.2018.

6. Accordingly, by recording the statement made in Para Nos.5 & 6 of the counter affidavit filed by the respondents on 16.03.2021, hence, the Contempt Petition stands closed. Consequently, connected Sub Application is also closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

msm

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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