



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.8683 of 2011
(Through Video Conference)

WEB COPY

K.V.Jeyaraj (Deceased)
J.Prabhakaran ...Petitioner
S/o.K.V.Jeyaraj (Deceased)
(Petitioner being as Legal Representative vide court order
dated 11.02.2021 in WMP(MD).2063 of 2021 in WP(MD).8683 of 2011)

Vs.

1. State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing Unit and Urban
Development Department,
Fort St.George, Chennai 600 009
2. The Chairman and Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 009
3. The Executive Engineer
and Administrative Officer,
Tamil Nadu Housing Board,
Madurai Special Division,
Ellis Nagar, Madurai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned demand notice in Lr.no.MH25/ dated 18/02/2011 on the file of the respondent no.3 and quash the same as illegal and consequently to direct the respondent no.3 to release the sale deed in favour of the petitioner in respect House No.HIG-870 in TNHB colony , Ellisnagar, Madurai-10 without demanding any further payment and pass any such further order or orders as this Court.

For Petitioner : Mr.T.Lajapathi Roy
For RR 1 & 2 : Mr.K.P.Narayanakumar
Special Government Pleader

For R-3 : Mr.Mohammed Athiff



O R D E R

This Writ Petition has been filed challenging the demand notice issued by the third respondent dated 18.02.2011 and for a direction to the third respondent to execute the sale deed in favour of the petitioner with respect to the house allotted to the petitioner by the Tamil Nadu Housing Board.

2. When the matter was taken up for final hearing, the learned counsel for the petitioner, based on instructions, submitted that the petitioner is willing to settle the balance amount of a sum of Rs.4,44,929/- to the Housing Board within the time stipulated by this Court and on receipt of the same, the respondents may be directed to execute the sale deed in favour of the petitioner.

3. The learned standing counsel appearing on behalf of the third respondent / Housing Board submitted that if the petitioner is willing to pay the entire balance amount, on the receipt of the same, necessary sale deed will be executed in favour of the petitioner.

4. Heard Mr.T.Lajapathi Roy, learned counsel for the petitioner, Mr.K.P.Narayanakumar, learned Special Government Pleader appearing for the 1 and 2 respondents and Mr.Mohammed Athiff, learned standing counsel appearing for the third respondent Housing Board.

5. Taking into consideration the facts and circumstances of the case and the specific stand taken by the either side, this writ petition is disposed of with the following directions:

- (a) the petitioner is directed to pay the amount of Rs.4,44,929/- (Rupees Four Lakhs Forty Four Thousand Nine Hundred and Twenty Nine only) in four instalments;
- (b) the first instalment of a sum of Rs.1,00,000/- (Rupees One Lakh only) shall be paid on or before 05.05.2021;
- (c) The second and third instalments of Rs.1,00,000/- each shall be paid likewise on or before 07.06.2021 and 05.07.2021 respectively;
- (d) The last instalment of a sum of Rs.1,44,929/- (Rupees One Lakh Forty Four Thousand Nine Hundred and Twenty Nine only) shall be paid on or before 05.08.2021; and;
- (e) On completion of this payment, the third respondent shall execute the sale deed in favour of the petitioner, with regard to the house that was allotted to the petitioner.



6. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To:

1. The Secretary to Government,
Housing Unit and Urban
Development Department,
Fort St.George, Chennai 600 009
2. The Chairman and Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 009
3. The Executive Engineer
and Administrative Officer,
Tamil Nadu Housing Board,
Madurai Special Division,
Ellis Nagar, Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-16391[F] dated 19/04/2021)

Order made in
W.P. (MD) No.8683 of 2011
Dated: **16.04.2021**

TR(27.04.2021) 3P 5C