



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2021

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THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.19297 of 2021

and

WMP(MD).Nos.16035 and 16037 of 2021

A.Uthira Kumar

... Petitioner

Vs.

1.Tamil Nadu Housing Board,  
Rep. by its Managing Director,  
Nandanam, Chennai - 600 035.

2.The Executive Engineer and Administrative Officer,  
Ellis Nagar, (70 Feet Road),  
Tamil Nadu Housing Board,  
Madurai - 625 016.

3.The Manager,  
Marketing and Service,  
Madurai Housing Unit,  
Tamil Nadu Housing Board,  
Madurai - 625 016.

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent in his proceedings vide letter No.A3/L-260/13 dated 02.11.2020 and quash the same and consequently restore the petitioners cancelled allotment and direct the third respondent to register a sale deed in favour of the petitioner with respect of the plot in Plot No.260 to an extent of 998 Sq.Ft. Ellis Nagar, Madurai District, by collecting the pending installment along with interest and necessary revocation charges from the petitioner within the time frame fixed by this Court.

For Petitioner : Mr. E.Balamurugan  
For Respondents : Mr.Mahaboob Athiff

### **O R D E R**

The petitioner assails an order dated 02.11.2020 by which his allotment was cancelled by the Tamil Nadu Housing Board (in short the TNHB). The petitioner states that an allotment was made in his favour on 04.02.2013. The admitted position is that the EMI was not remitted after 23.02.2016. In such circumstances, by the impugned order dated 02.11.2020, the allotment was cancelled. The order of cancellation indicates that EMI was not paid since 2015.



2. Mr.Mahaboob Athiff, learned Standing Counsel for the TNHB, accepts notice on behalf of all the respondents. On instructions, he submits that the relevant plot is being reauctioned. The 'Kulukkal' in respect thereof took place today. Further proceedings are envisaged on 08.11.2021. He further submits that the allotment is a non-statutory contractual allotment. Therefore, he submits that interference with the order of cancellation is not warranted especially in light of the fact that the petitioner is an admitted defaulter.

3. The respondents also state that the Rules of the TNHB provide for an application for revocation of cancellation to a duly constituted committee. Therefore, it is submitted that if such application is made by the petitioner, the same would be considered and disposed of within the time limit specified by the Court.

4. Given the fact that the auctioning of the plots has commenced, it is just and necessary that the consideration of the petitioner's request for revocation of cancellation be completed quickly.

5. In the above facts and circumstances, W.P(MD).No.19297 of 2021 is disposed of by permitting the petitioner to file an application before the respondents for revocation of the cancellation order dated 02.11.2020. Such application shall be submitted within a period of one week from the date of receipt of a copy of this order. Upon receipt thereof, the respondents are directed to consider such application by convening a meeting of the relevant committee and dispose of the same within a period of thirty (30) days from the date of receipt of such application. Until such time, while the auction proceedings may continue, as regards the plot allotted to the petitioner, no allotment shall be confirmed in favour of any party pending the decision on the petitioner's application for revocation of the cancellation order. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

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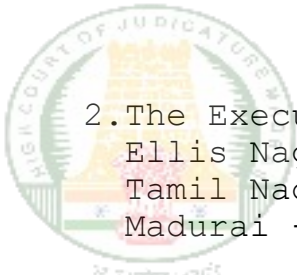
Sub Assistant Registrar(CS)

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To

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

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Executive Engineer and Administrative Officer,  
Ellis Nagar, (70 Feet Road),  
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3.The Manager,  
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+1 CC to M/s.E. BALAMURUGAN, Advocate (SR-33135[F] dated 28/10/2021)  
W.P. (MD) No.19297 of 2021

**27.10.2021**

MMS (CO)  
GC/UV(10.11.2021) 3P 5C