



WEB COPY



W.P. No.15115 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. No.15115 of 2009 and M.P. No.1 of 2009

V.Nithyanandam

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Slum Clearance Board,
Kamaraj Salai,
Chepauk, Chennai-600 005.

2.The Estate Officer-II,
Slum Clearance Board,
Vyasarpadi,
Chennai – 600 039.

... Respondents

Writ petition filed under Article 226 of Constitution of India, seeking a writ of Mandamus forbearing the respondents from interfering with peaceful possession and enjoyment of the petitioner's occupation at Door 5, Ragam Apartments, Melpatti Ponnappan Street, Vyasarpadi, Chennai-600 039 in any manner inclusive of dispossession and consequently to arrive a settlement pertaining to the dues payable in connection with the said loan after waiving the interests, penal interest and other charges if any and thus ensure the safety of the apartment at the



W.P. No.15115 of 2009

petitioner's hands.

For Petitioner : Mr.M.Sarfudeen Ali Ahamed

For Respondents : Mr.G.Sivakumar,
Standing Counsel

ORDER

This writ petition has been filed, forbearing the respondents from interfering with the peaceful possession and enjoyment of the petitioner's property, situated at Door No.5, Ragam Apartments, Melpatti Ponnappan Street, Vyasarpadi, Chennai-600 039 in any manner inclusive of dispossession and seeking a direction to the respondents to arrive a settlement, pertaining to the dues payable in connection with the loan, after waiving the interests, penal interest and other charges if any.

2.It is the case of the writ petitioner that on 25.09.1998, an apartment erected by Tamil Nadu Slum Clearance Board had been allotted to him and originally, the sale price had been fixed at Rs.3,98,000/-. Out of the said amount, the petitioner has made initial payment at the rate of Rs.60,000/- and Rs.59,400/- respectively on 02.09.1998 and 21.09.1998. Thereafter, the petitioner has been in



W.P. No.15115 of 2009

possession and enjoyment of the above property. As the petitioner, being a meager pensioner, made repeated requests to the authorities concerned to waive the interest and penal charges and to arrive at a settlement amicably, there is no response from the respondents. Therefore, the petitioner is before this Court with the above prayer.

3.It is the contention of the respondents that a sum of Rs.3,70,521/- is liable to be paid by the petitioner to the respondents including the interest and penal interest.

4.The learned counsel for the petitioner produced an Affidavit dated 29.09.2022 filed by the petitioner stating that he is willing to pay a sum of Rs.3,50,000/- within a period of three months on or before 31.12.2022 in three instalments.

5.In the Undertaking Affidavit dated 29.09.2022, filed by the petitioner, he has agreed to pay a sum of Rs.3,50,000/- to the respondents



W.P. No.15115 of 2009

within three months and complete the payment on or before 31.12.2022

in three instalments. The above affidavit is taken on record.

6.It is made clear that in the event of failure to pay the amount as undertaken by the petitioner before this Court, it is open to the respondents to take action against him as per law. If the entire amount as agreed before this Court is paid by the petitioner, the respondents are directed to execute the necessary sale deed. With the above observation, this writ petition stands disposed of. Consequently, connected M.P. stands closed. No costs.

29.09.2022

Index: Yes/No

Speaking order/Non speaking order

vga



W.P. No.15115 of 2009

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To

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W.P. No.15115 of 2009

N.SATHISH KUMAR,J.

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