

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.NOS.5544 & 5548 OF 2019

AND

W.M.P.NOS.6318, 6312, 6319 & 6311 OF 2019

M/s.K.Mani & Co.,
A Registered Partnership Firm,
Represented by its Managing Partner,
Mr.K.Mani, S/o.Mr.Kariyappan,
Plot No.32, Sapthagiri Nagar,
Bagalur Road,
Krishnagiri District.

... Petitioner in
both W.P's

.Vs.

1. The Tamil Nadu Housing Board,
Represented by its Managing Director,
No.33, Anna Salai,
Nandanam, Chennai - 600 035.
2. The Manager,
Marketing and Services,
Hosur Housing Unit,
Tamil Nadu Housing Board,
Bagalur, Hosur - 635 109,
Krishnagiri District.
3. The Executive Engineer
cum Administrative Officer,
Tamil Nadu Housing Board,
Hosur Housing Unit,
Hosur - 635 109,
Krishnagiri District.

... Respondents in
both W.P's

PRAYER IN W.P.NO.5544 OF 2019:-

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorari, calling for the records relating to impugned notification made by the 3rd respondent in Dhinathanthi on 07.02.2019 for the sale of

sites at Phase III in Bagalur, Hosur Village, Krishnagiri District, quash the same in so far as the Site No.15A is concerned.

PRAYER IN W.P.NO.5548 OF 2019:-

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records relating to Letters dated 19.05.2019 and 20.06.2014 issued in HR11/1566-A/2009 by the 3rd & 2nd respondents respectively, quash the same and consequently direct the respondents 2 and 3 to accept the balance cost of Site No.15A from petitioner and execute the Sale Deed and register the same in favour of the petitioner within the time to be stipulated.

IN BOTH W.P'S

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.D.Veerasekaran

C O M M O N O R D E R

Challenge in the Writ Petitions is to the cancellation of the allotment made by the Housing Board due to non-payment of the balance consideration.

2. The petitioner was allotted a piece of land by the Housing Board as the petitioner was the highest bidder in the auction that was held in the year 2010. The order of allotment was made on 05.03.2010. Though the petitioner paid a portion of the amount payable, it did not pay the balance amount within a period stipulated under the terms of the auction. Therefore, on 19.05.2010, the Housing Board cancelled the allotment made in favour of the petitiouer and forfeited the money paid.

3. The petitioner sent a representation on 24.05.2010 complaining that the plot allotted to the petitioner did not have road and it was at a lower level by 30 feet. It did not have any amenities that were promised. After writting the said letter on 24.05.2010, the petitioner kept calm for nearly four years. The Board however, revoked the cancellation order on condition that the petitioner pays the cost of the plot which was assessed at Rs.84,16,000/- during the year 2014-2015, less the money already paid. The petitioner was required to pay a sum of Rs.55,84,400/- + Rs.6,000/- towards revocation fee within a period of two months from the date of issuance of the letter dated 20.06.2014.

4. The petitioner sent a reply on 09.09.2015 stating that there was no road, drainage and underground sewerage facility for the plot and required the Housing Board to provide all the facilities before it would demand payment. This letter was dated 09.09.2015. Thereafter, the petitioner kept quiet for nearly four years. It is only after the Housing Board issued a public notice putting up the plots for auction in the year 2019, the petitioner has chosen to approach this Court with the above Writ Petition challenging the orders of the year 2010 and 2014.

5. This Writ Petition has to be rejected solely on the ground of delay and laches. Admittedly, the allotment was cancelled in the year 2010 and at the instance of the petitioner, the cancellation was revoked and the petitioner was granted two months time to pay the amount as demanded by the Housing Board. It is not the case of the petitioner that the petitioner paid the amount as demanded by the Housing Board in its letter dated 20.06.2014. The Writ Petition has been filed in February, 2019 at least after four years, only when the Housing Board put up the property for auction again.

6. I am convinced that the petitioner is guilty of laches and therefore, the Writ Petition is dismissed on the sole ground of laches. It is open to the petitioner to seek refund of the money paid by it and the Housing Board will decide on the refund in accordance with rules.

7. Both the Writ Petitions are dismissed with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Tamil Nadu Housing Board,
Represented by its Managing Director,
No.33, Anna Salai,
Nandanam,
Chennai - 600 035.

2. The Manager,
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Tamil Nadu Housing Board,
Bagalur, Hosur - 635 109,
Krishnagiri District.
3. The Executive Engineer
cum Administrative Officer,
Tamil Nadu Housing Board,
Hosur Housing Unit,
Hosur - 635 109,
Krishnagiri District.

+2ccs to Mr.K.Govi Ganesan, Advocate, S.R.No.39466 & 39467
+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.39797

W.P.NOS.5544 & 5548 OF 2019 AND
W.M.P.NOS.6318, 6312, 6319 &
6311 OF 2019

PL(CO)
PBS/15/07/2022