



WEB COPY



W.P.No.35153 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.35153 of 2013

and

M.P.No.1 of 2013

K.Ganesan

... Petitioner

Vs

1. State of Tamil Nadu,
Represented by its
Secretary to Government,
Housing Unit and Urban Development Department,
Fort St.George, Chennai - 600 009.

2. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai, Nandanam,
Chennai - 600 035.

3. The Manager Marketing & Service,
O/o., Executive Engineer and Administrative Officer,
Coimbatore Housing Unit,
Tatabad, Coimbatore - 641 012.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice Lr.No.NIL/Relief G.O.115/2013 dated 12.06.2013 of the third respondent and quash the same and forbearing the respondents from claiming interest



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retrospectively from the date of original allotment on the differential cost in land and directing the respondents to execute the sale deed for the petitioner's allotted House No.367, LIG with the land measuring an extent of 818 square feet, at TNHB Colony, Ganapathy-302-L, Coimbatore within the time stipulated by this Court at the rate fixed by this Court.

For Petitioner : Mr.R.Kannan

For Respondents : Mr.N.Naveen Kumar
Government Advocate for R1
Mr.D.Veerasekaran
Standing Counsel for R2 & R3

ORDER

Today when the case was taken up for hearing, the learned counsel for the petitioner submits that the writ petition has become infructuous as award has been passed on 25.09.2021. Para 23 of the award, the compensation to be paid has been discussed.

2.The relevant portion of the award dated 25.09.2021 reads as under:-

"30.For all the reasons stated above this Tribunal comes to the conclusion that,

(a)The excess amount of differential cost, rate of interest, period of interest and applicable waiver of interest should be corrected and calculated in the light of the orders in W.P.No.29036 of 2013 etc, batch of the Hon'ble High Court dated 08.01.2014 and Hon'ble Supreme Court in SLP(C)2320 of 2011 (11 SCC 139- the service society case) and to shall issue fresh



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demand notice to the Allottees, within three months from the date of communication of this award.

(b)The Executive Engineer and Administrative Officer of the concerned division i.e. vellore and coimbatore are directed to prepare a revised cost statement with the details and shall communicate by way of final demand notice to the Allottees concerned within a period of three months from the date of communication of this Award to TNHB and giving a time limit of three months from the date of serving the notice to the Allottees to pay the balance amount payable, if any.

(c)The Allottees are directed to take all possible measures to pay the outstanding amount if any, as per the notice of the final demand given by TNHB.

(d)The excess payment made if any by the Allottees over and above the final cost has to be refunded to them within three months of the communication of the final demand to the Allottees.

(e)On payment of the balance amount by the Allottees, the sale deed has to be executed within a period of Two months thereafter."

3.The respondents are therefore directed to comply with the same.

Accordingly, this writ petition stands closed. Consequently, connected miscellaneous petition is also closed. No costs.

01.12.2022

Index: Yes/ No

Internet : Yes/No

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To

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C. SARAVANAN, J.

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