



W.P.No.22336 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.22336 of 2014

N.Sekar

... Petitioner

Vs

1.The Manager,
Sales and Service,
Salem Housing Unit Division,
Tamil Nadu Housing Board,
Ayyan Thirumaligai Road,
Salem - 636 008.

2.The Executive Engineer and
Administrative Officer,
Salem Housing Unit of Tamil Nadu Housing Board,
Ayyan Thirumaligai Road,
Salem - 636 008.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned letter issued by the first respondent in Letter No.R /G.O.83/2014 dated 30.05.2014 and to quash the same and consequently direct the respondents to execute the sale deed in favour of the petitioner.



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For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.D.Veerasekaran

ORDER

This Writ Petition has been filed for a Certiorarified Mandamus, to call for the records in pursuant to the impugned letter issued by the first respondent in Letter No.R /G.O.83/2014 dated 30.05.2014 and to quash the same and consequently direct the respondents to execute the sale deed in favour of the petitioner.

2. Today when the case was taken up for hearing, the learned counsel for the petitioner submits that the petitioner is agreeable to pay a sum of Rs.33,597/-, interest at Rs.37,701/- and the maintainability charges at Rs.2,520/- thereon. However, the petitioner disputes that the petitioner is liable to pay a sum of Rs.3,14,875/- being the interest on account of the delayed disbursal of the loan by the Government.

3. This Writ Petition is of the year 2014. Though the respondents have not filed counter, the facts remains that the petitioner had earlier challenged the demand made by the respondents seeking to levy interest from the petitioner on



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account of delayed payment of the loan amount by an order dated 01.12.2000

in W.P.No.6278 of 2000. The writ petition was disposed by this Court with the

following observations:-

"5. On perusal of the counter affidavit, it is clear that the interest is being charged only for late payment of the cost of the flat. When there is delay on the part of the Government officials in sanctioning the loan, this Court is of the view that the petitioner cannot be burdened with the penal interest, but, at the same time, this Court cannot direct the respondents to waive the interest. Hence, the petitioner is directed to make a representation to the second respondent herein for the waiver of the interest and if the second respondent has got the authority to decide the same, he can dispose of the representation of the petitioner for waiving the interest either fully or partly. If he has no such authority, he may forward the same to the appropriate authority, who has got the jurisdiction, to grant such relief to the petitioner and such authority is directed to consider the representation of the petitioner and dispose of the same in accordance with law. Till such time, the respondents are directed to keep the impugned cancellation order in abeyance."

4. The petitioner has also given a representation pursuant to the aforesaid order on 24.01.2001. Almost after a lapse of 13 years, the impugned order has been passed by the first respondent wherein, a sum of Rs.3,76,868/- has been demanded from the petitioner.



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5. Considering the above, I am inclined to quash the impugned order and remit the case back to the first respondent to take steps for getting appropriate approval from the Government as to whether there is any possibility to grant waiver to the petitioner on account of delayed payments of amount by the petitioner. Pending such exercise, the petitioner is therefore directed to pay a sum of Rs.73,818/- (Rs.2,520/- + Rs.33,597/- + Rs.37,701/-) together with normal interest at bank rate to the first respondent, within a period of forty five days from the date of receipt of a copy of this order.

6. The first respondent is directed to give appropriate calculation together with interest for such delayed payment. As far as the interest at Rs.3,14,875/- is concerned, the first respondent may approach the authority namely the Government for waiver of interest and communicate the decision of the Government to the petitioner. In case, the request for waiver of interest is rejected by the Government, the respondents shall issue appropriate demand notice to the petitioner thereafter.

7. This writ petition is disposed of with the above observations. No costs.



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Index: Yes/ No
Speaking/Non-Speaking Order

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To

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C.SARAVANAN, J.

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