



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No. 22120 of 2021

R.Yasodha

... Petitioner

-Vs-

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
2. The District Revenue Officer,
Land and Estate,
Corporation of Chennai,
Ripon Building,
Chennai - 600 003.
3. The District Revenue Officer,
Zonal Officer, Zone-4,
Greater Chennai Corporation,
No.266, T.H.Road,
Old Washermenpet,
Chennai - 600 021.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the third respondent dated 28.07.2021 vide ம.அ.4.வ.து.ந.க.எண்.ஆர் 3/342/2021 and quash the same and direct the respondents to issue sale deed pertaining to the property bearing Plot No.4, Senniamman Koil Street, Tondiarpet, Chennai - 600 081.

For Petitioner : Mr.L.Murali Krishnan

For Respondents : Mrs.P.T.Ramadevi
Standing counsel

O R D E R

The prayer sought for herein is for a Writ of Certiorarified Mandamus calling for the records of the third respondent dated 28.07.2021 vide ம.அ.4.வ.து.ந.க.எண்.ஆர் 3/342/2021 and quash the same and direct the respondents to issue sale deed pertaining to the



property bearing Plot No.4, Senniamman Koil Street, Tondiarpet, Chennai - 600 081.

2. That the petitioner's husband was an ex-employee of the respondent Corporation and during his service period, a residential flat constructed for the employees of the Corporation was allotted to him.

3. In respect of the said flat, according to the petitioner's husband, who is no more, he had paid the entire due payable to the Chennai Corporation.

4. Therefore, when the petitioner's husband was alive, he filed the first Writ Petition, i.e., W.P. No. 4737 of 2019 seeking for a Writ of Mandamus to give a direction to the respondent Corporation to give the sale deed in favour of the petitioner's husband.

5. During the pendency of the Writ Petition, the petitioner's husband died and subsequently, when the petitioner made a similar request on 05.02.2021, the same has been turned out by the respondent Corporation through the impugned order dated 28.07.2021.

6. In the said impugned order, the respondents though admitted that, the petitioner's husband has paid the entire due of course belatedly insofar as the payment of Rs.10,160/- only, the receipt has not been produced by the petitioner's husband and therefore, the statement of the petitioner's husband that, the entire due payable to the Corporation to the extent of Rs.35,713.62/- cannot be accepted.

7. It has further been stated in the impugned order dated 28.07.2021 that, the prayer sought for by the petitioner to give the sale deed in favour of the petitioner on behalf of her late husband cannot be granted and accordingly, it was rejected.

8. Challenging the said order, this Writ Petition was filed and when this Writ Petition came up for hearing on 08.11.2021, I have passed the following interim order:

"3. In this context, this Court after seeing the content of the impugned order is wondering as to how the respondent Corporation has passed this order, after admitting the fact that the petitioner's husband has paid the entire due except the disputed amount of Rs.10,160/-.

4. If at all any interest has to be charged as per the terms and conditions between the



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Corporation and the petitioner's husband who was an allottee, based on the terms and conditions only such interest should have been calculated for the belated payment, if any made and accordingly a calculation sheet should have been furnished based on which the petitioner should have been given an opportunity either to pay the remaining amount payable to the Chennai Corporation or if at all the petitioner is able to satisfy that no such amount need to be paid because already the entire due has been paid based on the calculation to be furnished in this regard by the petitioner, the final calculation could have been arrived at and accordingly the issue could have been settled amicably by the Corporation.

5. Instead, the concerned official of the Chennai Corporation ie., the Zonal Officer of the Chennai Corporation has passed this impugned order abruptly rejecting the request of the petitioner who was none other than the widow of the employee of the Chennai Corporation for whose benefit the housing flat was allotted by the Corporation, for which, according to the petitioner, the entire due has been paid.

6. Therefore, in order to resolve this controversy, the respondent Corporation shall come out with a calculation memo with supporting documents to establish that still the petitioner has to pay any due payable by the petitioner's husband and such calculation memo shall also be served on the learned counsel for the petitioner to respond within a period of one week. On receipt of the same, it is open to the learned counsel for the petitioner to respond by giving the petitioner's calculation in this regard and both the counsel shall file their respective calculation memo before this Court on or before the next date of hearing."

9. Subsequent to the said order passed by this Court dated 08.11.2021, both the petitioner as well as the respondents' counsel filed separate memo of calculation, as to how, they calculated the due payable by the petitioner on behalf of her late husband.

10. Since there has been some dispute on the said calculation, especially in the context of the rate of interest, this Court, by order dated 21.12.2021 directed the respondent



Corporation to file a better calculation memo.

11. Pursuant to the same, the learned Standing counsel appearing for the respondent Corporation today has filed the proforma with working sheet, i.e., the revised calculation memo dated 04.01.2022. For the sake of clarity, the entirety of the said proforma is extracted hereunder:

PROFORMA WITH WORKING SHEET

As per allotment order dated 03.05.1975, the loan amount of Rs.35,713.62 to be paid by equal monthly installment @ Rs.193.60 upto 30 years with 5% interest per annum, failing which penalty interest for belated payment at 9% per annum, to be calculated. As per the allotment order the initial payment should be started from May 1975. But the petitioner paid the First installment only from March 1976 (i.e) 11 months belated. Here after all other installment were made belatedly. So the annual interest @ 5% cannot be applicable to the petitioner. Hence, the annual interest was calculated @ 9% per annum, as per the condition of allotment order. The details as follows:

Name of the Allottee	:	Th.D.RAJAGOPAL (W/o.R.Yosadha)
Address of the allotment house	:	No.4, Seniamman Koil Street, Tondiarpet, Chennai -600 081. (present). Plot No.4/Door No.2, New corporation colony, V.O.C.Nagar, Tondiarpet, Chennai - 600 081.
Allotment Order No dated	:	RDC No.S1/61853/73, 03.05.1975
Mode of Allotment	:	Sale-cum-Mortgage



CALCULATION OF SIMPLE INTEREST

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Principle Amount	:	Rs.35,713.62 (or) Rs.36064/- (as per loan calculate monthly instalment mentioned in the order @ Rs.193.60)
Rate of Interest	:	9% per annum
Interest amount (As per loan calculated)	:	Rs.68,400.48
Principal amount	:	Rs.36,064.00
Grand Total (Period 30 Rs.1,04,464.48 years upto April 2005)	:	
Petitioner so far paid (Rs.193.60X132 Instalment)	:	Rs.25,555.20
Balance to be paid =Rs.7101.84*16	:	Rs.78,909.28*9% years 7 months
Further delay from May 2005 to Nov 2021	:	Rs.1,13,629.44 (16 years) Rs.4,142.74 (07 months) (7101.8x7/12)
(i.e) 16 years 07 months with calculated by simple interest @ 9% as per norms		
Outstanding	:	Rs.78,909.28
Grand Total Outstanding	:	Rs.1,96,681.46

12. Therefore, according to the respondents, the total due payable by the petitioner is Rs.1,96,681.46/- and if the



said amount is paid by the petitioner, the respondents may not have any further impediment to execute the sale deed in favour of the legal heirs of the deceased employee/petitioner.

13. In response to the said stand taken by the respondent Corporation, Mr.L.Murali Krishnan, learned counsel appearing for the petitioner, on instructions would submit that, whatever be the rate of interest and the final calculation made through the revised memo filed by the respondent Corporation, even though, the petitioner has got grievance over the said calculation, in order to purchase piece and to settle the issue amicably, the petitioner wants to pay the entire amount demanded through the said calculation memo, i.e., Rs.1,96,631.46/- and on such payment, let the Corporation execute the sale deed in favour of the petitioner and other legal heirs of the deceased employee.

14. I have considered the said submission made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

15. Now the issue has been narrowed down, where the total demand as on today made by the respondent Corporation is only Rs.1,96,631.46/- and the petitioner also has agreed to pay the same, this Court is inclined to dispose of this Writ Petition with the following orders:

(i) that there shall be a direction to the respondents to receive the said amount of Rs.1,96,631.46/- from the petitioner and the petitioner shall pay the same at the earliest and on receipt of such payment in entirety without any default, the respondent Corporation shall execute the sale deed to the petitioner and other legal heirs of the deceased employee of the Corporation in whose name, i.e., late D.Rajagopal, the property was allotted already.

(ii) It is made clear that, the petitioner and other legal heirs shall not take much time to pay the said amount, if the said amount is not paid within a period of eight weeks from today, it is open to the respondent Corporation to calculate further interest of this amount at the prevailing rate. Therefore, within two months period that amount shall be paid and on such payment, the needful as indicated above shall immediately be undertaken by the respondent Corporation and in this regard, the petitioner and other legal heirs of the deceased employee shall co-operate by preparing the draft sale deed and produce the same to the respondent Corporation for its approval and for execution.



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16. With these directions, this Writ Petition is ordered accordingly. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.
2. The District Revenue Officer,
Land and Estate,
Corporation of Chennai,
Ripon Building, Chennai - 600 003.
3. The District Revenue Officer,
Zonal Officer, Zone-4,
Greater Chennai Corporation,
No.266, T.H.Road,
Old Washermenpet, Chennai - 600 021.

+1cc to M/s.P.T.Ramadevi, Advocate, S.R.No.1003

+1cc to Mr.L.Murali Krishnan, Advocate, S.R.No.1304

W.P. No. 22120 of 2021

GSM(CO)
SU(28/02/2022)