



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.NO.169 OF 2014

L.Maragatham

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.

2. The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Surampatty Four Roads,
Erode - 5.

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents herein to furnish the original sale deed for the Flat No.H-7, Kollampalayam Housing Unit, Erode, to the petitioner within the stipulated time that may be prescribed by this Court.

For Petitioner : M/s.M.Vignesh

For Respondents : M/s.R.Bharath Kumar
Standing Counsel

O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents herein to furnish the original sale deed for the Flat No.H-7, Kollampalayam Housing Unit, Erode, to the petitioner within a stipulated time that may be prescribed by this Court.



2. The petitioner was allotted with a H.I.G Flat on Lease-cum-Sale basis in the year 1989 and he was directed to pay tentative costs of Rs.2,50,000/- for the said Flat. The petitioner paid a sum of Rs.1,66,300/- by obtaining a housing loan. The District Collector has issued a Certificate that they have no objection for execution of the sale deed in favour of the petitioner. In spite of the no objection, the respondent Housing Board has not executed the sale deed. Further, there is no petition for enhancement of compensation. All of a sudden, the respondents directed the petitioner to remit a sum of Rs.2,10,034/-, which was also remitted by the petitioner. Despite the same, the sale deed was not executed in favour of the petitioner. Aggrieved over the same, the petitioner is before this Court.

3. Resisting the allegations, the learned counsel appearing for the Housing Board would contend that the tentative costs was fixed on the basis of the Award passed by the District Collector and thereafter, the Award was referred for enhancement and the amount was enhanced and thereafter, the respondent Housing Board taking into account the enhanced compensation, has arrived at final costs at Rs.1,80,900/- for land and its development. Thus, the petitioner is liable to pay a sum of Rs.6,43,461/- towards final costs. If the amount is paid, they are ready to execute the sale deed.

4. I have gone through the Memo of Calculation filed by the respondent Housing Board. The head wise details are furnished towards land costs, development costs and enhanced compensation to be paid to the land owners. Finally, the land costs was arrived at Rs.1,80,900/-. On the basis of that, the petitioner is directed to pay the final costs towards the Flat allotted to him. On payment of this amount, the sale deed will be executed in favour of the petitioner. From the perusal of the work sheet and the payment details with respect to flat allotted to the petitioner, it is noticed that the petitioner is liable to pay balance of tentative costs and final costs as well. Hence, the petitioner has no other go than remitting the balance due for getting the sale deed executed in her favour.

5. Considering the facts and circumstances of the case, the petitioner is directed to pay the balance due and the respondents are directed to execute the sale deed in favour of the petitioner on payment of the final costs within a period of three (3) months from the date of receipt of a copy of this order.



With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

WEB COPY

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

asi

To

1. The Chairman,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.
2. The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Surampatty Four Roads,
Erode - 5.

+1cc to M/s.R.Bharath Kumar, Advocate, S.R.No.17386

W.P.No.169 of 2014

GMR(CO)
RLP(31/03/2022)