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W.P.No.28723 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
W.P.No.28723 of 2022

M.Muthusamy

... Petitioner

-Vs-

1. The Chairman,
Tamil Nadu Housing Board,
CMDA Complex,
E and C Market Road,
Koyembedu, Chennai – 600 107.

2. The Manager, Marketing Service,
Tamil Nadu Housing Board,
Besant Nagar Division,
No.48, Dr.Muthulakshmi Salai,
Adayar, Chennai – 600 020.

3. The Executive Engineer cum Executive Officer,
Sales and Service,
Tamil Nadu Housing Board,
Besant Nagar Division,
No.48, Dr.Muthulakshmi Salai,
Adayar, Chennai – 600 020.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India
praying for the issuance of a Writ of Mandamus, directing the respondents
to execute the sale deed in favour of the petitioner in respect of the HIG
Twin Type house No.H34/A at Besant Nagar Phase I Scheme as per



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regular allotment order dated 06.06.1989 letter No.A7/5937-D/88 issued by the first respondent within a time frame fixed by this Court.

For Petitioner : Mr.S.Dhayaleswaran
For Respondents : Mr.D.Veerasekaran
Standing Counsel

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents to execute the sale deed in favour of the petitioner in respect of the HIG Twin Type house No.H34/A at Besant Nagar Phase I Scheme vide letter No.A7/5937-D/88 dated 06.06.1989 issued by the first respondent within a time frame fixed by this Court.

2. The petitioner has been allotted a build house by the respondents Housing Board by allotment order dated 29.08.1988. Under the said allotment order, HIG twin type housing bearing No.H34/A at Besant Nagar Phase I Scheme under outright purchase basis was allotted to the petitioner. The cost of the house was fixed at Rs.3,55,000/-(Rupees three lakhs and fifty five thousand only), which should be paid by the petitioner on or before 30.09.1988.



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3. However, the petitioner due to some unavoidable circumstances, could not paid the said amount in time i.e., on or before 30.09.1988. However, he paid the said amount i.e., entire amount on 03.05.1989.

4. Therefore, there was a little delay in making the said amount of the house. Subsequently, on 06.06.1989, there was a communication from the respondents Housing Board acknowledging the receipt of the entire cost of Rs.3,55,000/- received from the petitioner.

5. Thereafter on 07.06.1989, the house was handed over to the petitioner and in this regard, a handing over report was prepared, where the officer of the Housing Board has signed and the petitioner, who has received the house has also signed.

6. Thereafter, on 20.01.2009 a communication has been sent by the respondents Housing Board to pay a sum of Rs.506/-(Rupees five hundred and six only) as scrutiny fee, which has also been paid by the petitioner on the same day. Thereafter, a further communication was given to the petitioner for collecting the interest for the period from 30.09.1988 to



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03.05.1989, which was quantified by the respondents Housing Board at Rs.1,26,850/- (Rupees one lakh twenty six thousand eight hundred and fifty only) along with scrutiny fee of Rs.506/-. The said amount has also been paid by the petitioner and in this regard, the payment had been made by the petitioner on 30.05.2022 and 31.05.2022 and in this regard, three receipts have been issued by the respondents Housing Board for a sum of Rs.1,74,062/- and that was the last payment made by the petitioner, which according to the petitioner is the entire interest and penal interest calculated for the belated payment.

7. Therefore, the entire cost was paid by the petitioner long back and the interest for the belated payment of the entire cost as well as penal interest calculated by the respondents Housing Board was also paid by the petitioner. Therefore, there could be no further impediment for the respondents to execute the sale deed in favour of the petitioner. However as the respondents has not executed the sale deed in favour of the petitioner, the petitioner has moved the present writ petition with the aforesaid prayer.



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8. When this writ petition came up for hearing on 22.11.2022, after having recorded the aforesaid, this Court directed the respondents Housing Board to spell out on what basis further amount is sought for, as the entire cost including interest as well as the penal interest was paid by the petitioner to the Housing Board. Therefore, the matter was adjourned today.

9. At this juncture, when the case is taken up for hearing today, Mr.D.Veerasekaran, learned Standing Counsel appearing for the respondents, on instructions would submit that, the respondents Housing Board is ready and willing to execute the sale deed in favour of the petitioner and in this regard, they seek only maximum of four weeks time, within which, the sale deed will be executed in favour of the petitioner.

10. In view of the said stand taken by the respondents by recording the same, this Court feels that this writ petition can be disposed of with the following orders:

- ◆ That there shall be a direction to the respondents Housing Board to execute the sale deed to and in favour of the petitioner for the house



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alloted to him by allotment order dated 29.08.1988 i.e., HIG Twin Type House No.H34/A at Besant Nagar Phase – I under Outright Purchase basis, within a maximum period of four (4) weeks from the date of receipt of a copy of this order. After executing the sale deed i.e.. compliance of the order of this Court, a compliance report shall be filed by the respondents Housing Board on 19.01.2023.

With the above direction, this writ petition is disposed of. No costs.

Post this writ petition on 19.01.2023 only for the purpose of filing the compliance report.

30.11.2022

Index:Yes/No
Speaking order: Yes/No
mp

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