



W.P.No.30327 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
W.P.No.30327 of 2022

Mr.P.Udaya Shankar Babu
S/o.Pushparaj

... Petitioner

-Vs-

The Executive Engineer & Administration,
Tamil Nadu Housing Board,
Besant Nagar Division,
No.48, Dr.Muthulakshmi Salai,
Adyar, Chennai – 600 020.

... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus, directing the respondent to return the advance amount Rs.9,59,000/- paid by the petitioner along with interest in respect of the property allotted to the petitioner in Flat No. H-103 in 12th floor, B type -117, HIG Flats at Sholinganallur, Phase II Scheme under CG category.

For Petitioner : Ms.N.Gayathri

For Respondent : Mr.D.Veerasekaran
Standing Counsel



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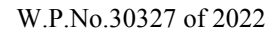
ORDER

The prayer sought for herein is for a writ of mandamus directing the respondent to return the advance amount of Rs.9,59,000/- paid by the petitioner along with interest in respect of the property allotted to the petitioner in Flat No. H-103 in 12th floor, B type -117, HIG Flats at Sholinganallur, Phase II Scheme under CG category.

2. The petitioner was allotted a flat viz., H-103 in the 12th floor, B type-117, HIG Flats at Sholinganallur, Phase II Scheme under CG category in the year 2011 by an allotment letter dated 09.03.2011 measuring to an extent of 984 sq.ft.

3. Though the said flat was allotted, which was not completed for several years, therefore, at one point of time against the claim of the interest at 10.5%, the petitioner has already moved a writ petition in W.P.No.9632 of 2021.

4. When that was pending, since the petitioner retired from service and also he suffered with some ailment, he decided not to take the flat and he wants to take back the advance amount paid to the respondent and



5. Despite the said development, the advance amount paid by the petitioner has not so far been returned to the petitioner, therefore, in order to get the same, the present writ petition has been filed to consider the representation made in this regard by the petitioner on 27.09.2022.

7. Heard Mr.D.Veerasekaran, learned Standing Counsel appearing for the respondent Housing Board, who, on instructions would submit that the representation of the petitioner dated 27.09.2022 would be considered on merits and decided at the earliest.

8. Considering the limited scope of the prayer sought for in this writ petition and having regard to the stand taken by the learned



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Standing Counsel appearing for the respondent Housing Board, this Court is inclined to dispose of this writ petition with the following direction:

- ◆ That there shall be a direction to the respondent to consider and pass orders on the petitioner's representation dated 27.09.2022 on merits and in accordance with law within a period of four(4) weeks from the date of receipt of a copy of this order.

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

15.11.2022

Index: Yes/No

Speaking order: Yes/No

mp

To

The Executive Engineer & Administration,
Tamil Nadu Housing Board,
Besant Nagar Division,
No.48, Dr.Muthulakshmi Salai,
Adyar, Chennai – 600 020.



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R.SURESH KUMAR.J.,

mp

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