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W.P.No.14041 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.14041 of 2015

Shanthi Hariyappan

...Petitioner

Vs.

- 1.State of Tamil Nadu
Represented by its
Secretary to Government,
Housing Unit and Urban Development Department,
Fort St.George,
Chennai – 600 009.
- 2.The Chairman and Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai, Nandanam,
Chennai – 600 035.
- 3.The Manager,
Marketing and Service,
Hosur Housing Unit,
Tamilnadu Housing Board,
Bogalur Road,
Hosur – 635109,
Krishnagiri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned demand letter dated 02.08.2014 issued by the 3rd respondent in Letter No.HR5/119/2011 and quash the same as illegal, consequently direct the respondents herein to issue a fresh demand notice



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without fixing exorbitant cost and interest except to fix the enhanced compensation if any paid to the original land owners from whom the land of the petitioner had been acquired for the plots allotted to the petitioner in HIG Plot No.541 N.H. Scheme to an extent of 3762 Sq.ft. at Hosur, Krishnagiri District.

For Petitioner : Mr.K.Selvarangan

For Respondents : Mr.B.Vijay, [For R1]
Additional Government Pleader
Mr.D.Veerasekaran [For R2 & R3]

ORDER

The petitioner challenges demand notice dated 02.08.2014 issued by the Manager, Marketing and Service, Hosur Housing Unit, Tamil Nadu Housing Board, Krishnagiri District (in short 'Board') arrayed as R3.

2. Learned counsel for the petitioner submits that she was allotted a HIG Plot bearing No.541 (Ph XVI) N.H. Scheme to an extent of 3762 Sq.ft. The tentative cost was fixed at Rs.13,19,000/- on lease-cum-sale agreement. An initial deposit of Rs.5,27,600/- and monthly installment of Rs.15,233/- was fixed for a period of 8 years.

3. According to the petitioner, she has remitted the entire tentative costs along with interest amounting in total to a sum of Rs.13,19,000/- on 22.06.2012 itself. There is some narration set out in the Writ affidavit, in



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relation to the litigation between the Board and the original land owners, which lead to the delay in fixation of final cost at the time of allotment itself.

4. Be that as it may, the petitioner challenges the demand notice dated 02.08.2014 that has been received by her out of the blue, calling upon her to remit a sum of Rs.29,49,699/- on or before 31.08.2014. She also states that she has filed a reply to the same, which has not been considered thus far. To be noted that the replies placed at Page Nos.12 & 13 of the typedset are undated and there is no acknowledgment for having served the same upon the respondents.

5. Pending Writ petition, the petitioner has filed document dated 06.12.2013 which is purported to be a copy of the sale deed executed between the Manager, Marketing and Service, Hosur Housing Unit and one T.Parimalam, which, according to her, is in a factual background identical to that between herself and the Board and sans any enhancement in cost.

6. Respondent counsel raises strenuous objections in regard to the veracity of the sale deed dated 06.12.2013. It is true that the respondents have not had opportunity to look into and examine the veracity of sale deed dated 06.12.2013, seeing as the same has been filed under cover of typed-set



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dated 04.11.2022.

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7. However, in view of the assertions of learned counsel for the petitioner to the effect that identically placed purchasers have had the benefit of registration of sale at prices far lower than the impugned demand the petitioner is now facing. The petitioner is permitted to make a representation to the Board within four (4) weeks from date of receipt of this order. Such representation, if received as aforesaid, shall be disposed by the Board after hearing her and disposed in accordance with law, within four (4) weeks of receipt of the representation. The impugned demand is subject to the exercise as aforesaid.

8. With the aforesaid liberty, this Writ Petition is dismissed. No Costs.

03.01.2023

mpl

Index : Yes/No

Speaking Order/Non speaking Order



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To

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DR.ANITA SUMANTH,J.
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