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W.P.No.18495 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18495 of 2013

B.K.Srinivasan

...Petitioner

Vs.

1.The Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai – 09.

2.The Chairman,
Tamilnadu Housing Board,
Nandanam, Chennai – 02.

3.The Executive Engineer and Administrative officer,
Formerly KK Nagar Division,
Now Thirumazhisai Satellite township division,
Tamilnadu Housing Board,
Nazarethpet, Poonamallee,
Chennai.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to register the sale deed in favour of the petitioner as per the allotment order No.A-1/8938/93 dated 25.01.1994 by fixing the land cost as Rs.2000/- per cent based on the highest claim of compensation in the pending LAOP cases.



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For Petitioner : Mr.S.Sivakumar
For R1 : Mr.S.Ravichandran
Additional Government Pleader
For R2 & R3 : Mr.D.Veera Sekaran
For Tamil Nadu Housing Board

ORDER

The relief sought for in the present writ petition is for a direction to direct the 3rd respondent to register the sale deed in favour of the petitioner as per the allotment order No.A-1/8938/93 dated 25.01.1994 by fixing the land cost at Rs.2,000/- per cent based on the highest claim of compensation in the pending LAOP cases.

2. It is not in dispute that the petitioner is an allottee in respect of a house in HIG-21 in Survey No.64 part and parcel of Sevvapet Village, Thiruvallur District. The allotment was made under Hire-purchase scheme and the tentative cost was fixed initially. However, the fact remains that the final cost demanded by the Tamil Nadu Housing Board is yet to be settled by the petitioner.



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3. The learned counsel appearing on behalf of the respondents 2 and 3

/Tamil Nadu Housing Board furnished the copy of the working statement, which would reveal that the petitioner has to pay a sum of Rs.11,90,739/- (Rupees Eleven Lakh Ninety Thousand Seven Hundred and Thirty Nine only) without extending the benefit of the Government order and another working sheet reveals that the petitioner is liable to pay a sum of Rs.7,69,494/- (Rupees Seven Lakh Sixty Nine Thousand Four Hundred and Ninety Four only), if the benefit of the Government order has been given effect to.

4. The learned counsel for the petitioner states that there is an error in the working sheet as submitted by the Tamil Nadu Housing Board.

5. This Court cannot ascertain the correctness of the statement prepared by the Tamil Nadu Housing Board and if at all any dispute arises with reference to the calculation or otherwise, the petitioner has to approach the competent authorities/Secretary and Personnel officer of the Tamil Nadu Housing Board for verifying the said working statements.



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6. In view of the facts and circumstances, the petitioner shall approach the Tamil Nadu Housing Board authorities within a period of two weeks from the date of receipt of a copy of this order to clarify the statements, and thereafter, settle the dues within a period of four weeks from the date of expiry of two weeks and secure the sale deed. In the event of failure on the part of the petitioner, the respondents are at liberty to initiate all further actions in the manner known to law.

7. Accordingly, the writ petition stands disposed of. No costs.

26.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes
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To

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S.M.SUBRAMANIAM, J.

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