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W.P.No.7756 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.7756 of 2023

V.Subbiah

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai-600 035.

2. The Executive Engineer and Administrative Officer
Tirunelveli Housing Unit,
No.17-3, 'C' Colony, Perumalpuram,
Tirunelveli-627 011.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent herein to consider and dispose of the representation of the petitioner dated 5.12.2022 seeking return of amounts remitted by him viz., Rs.3,19,440/- for Plot No.MIG-C-212 of Sankaraperi PLO Scheme measuring an extent of 1500 sq.ft.

For Petitioner : Mr.R.Dhamodaran

For Respondents : Mr.D.Veerasekaran



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ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the 1st respondent to consider and dispose of the petitioner's representation dated 05.12.2022.

2. Mr.D.Veerasekaran, learned Standing Counsel takes notice for the respondents. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that he was allotted with a Plot bearing No.MIG-C-212, measuring an extent of 1500 sq.ft., vide Letter No. R4/3377/11 dated 04.11.2011 of the 2nd respondent under Sankaraperi PLO Scheme. The cost of the plot was arrived at Rs.7,86,300/- and a initial payment of Rs.2,86,260/- was paid by the petitioner to the 2nd respondent and subsequently, the LCS agreement was also executed on 30.12.2011 and the plot was handed over to the petitioner on 15.02.2012. Thereafter, the petitioner paid three instalments at the rate of Rs.11,060/- per month. While



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so, as the petitioner's son, who is the only breadwinner died on 03.02.2013, the petitioner was unable to continue to pay the balance amount. Therefore, the petitioner sent a letter dated 27.01.2016 to the 2nd respondent, requesting to return the amount paid so far. However, the same was not considered by the respondents. While such being the case, the petitioner came to know that the above said plot allotted was resold to one Michael Pradeep by the 2nd respondent on 11.12.2020 for a sum of Rs.19,61,000/-. Pursuant to which, the petitioner caused a legal notice on 14.12.2020 to the respondents, however, there was no response. Aggrieved by the inaction on the part of the respondents, the petitioner sent a detailed representation dated 05.12.2022 to the 1st respondent, seeking to return the amount paid by the petitioner for the Plot No.MIG-C-212 of Sankaraperi PLO Scheme, which evoked no response. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's representation dated 05.12.2022 and return the sum of Rs.3,19,440/- remitted by the petitioner for Plot No.MIG-C-212 of Sankaraperi PLO Scheme as expeditiously as



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possible.

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5. Learned Standing Counsel appearing for the respondents submitted that appropriate orders will be passed on the petitioner's representation dated 05.12.2022 within the time stipulated by this Court.

6. Considering the limited request made by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case directs the 1st respondent to consider the petitioner's representation dated 05.12.2022 on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.

7. This writ petition is accordingly disposed of. No costs.

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Speaking Order : Yes/ No

Index : Yes/ No

To

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M.DHANDAPANI, J.

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