



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **28.02.2023**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.9869 of 2022

P.Vikram

... Petitioner

..Vs..

1. The Chairman cum Managing Director
Tamil Nadu Housing Board
Anna Salai, Nandhanam
Chennai – 600 035.

2. The Executive Engineer/Administrative Officer
Coimbatore Housing Unit,
Tamilnadu Housing Board
HUDCO colony, Tatabad,
Coimbatore – 641 012.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the second respondent to execute the sale deed in favour of the petitioner in respect of Flat No. M1/14, 4th floor, self-financing scheme – Upplipalayam Phase-II in Coimabtoe Housing Unit.

For Petitioner

:: Mr.Radhakrishnan
Senior Counsel for Mr.S.Kadarkarai
for M/s.Thamizharasi Law Firm



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For Respondents

:: Mr. D.Veerasekaran

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction to the second respondent, the Executive Engineer/Administrative Officer, Coimbatore Housing Unit, Tamilnadu Housing Board, HUDCO Colony, Tatabad, Coimbatore, to execute a sale deed in favour of the petitioner P.Vikram, resident at P.Ramachandrapuram (PO), Rajapalayam (TK), Virudhunagar District in respect of Flat No. M1/14, 4th Floor, self-financing scheme – Upplipalayam Phase-II in Coimbatore Housing Unit.

2. In the affidavit filed in support of the Writ Petition, it had been stated that the second respondent had issued a notification in the year 2012 seeking applications from eligible persons for allotment of 272 apartments with site development work under self-financing scheme in Coimbatore-Upplipalayam Semi Urban Scheme Phase II. The petitioner had applied for the same on 27.03.2013. He paid the necessary registration charges. He also paid 95% cost of the flat as deposit charges. He thus paid a total sum of Rs.1,03,700/- on 21.03.2013 under receipt No. 03-35944. He was then informed that he had been allotted MIG Flat No. M1/14, 4th floor at



that those who had paid the total amount can avail benefit and the sale deed would be executed during a particular mela. The petitioner alleged that the respondents have been delaying in executing the sale deed. It is under those circumstances that he had filed the Writ Petition seeking a direction to execute the sale deed.

5. A counter affidavit has been filed. In the counter, though the facts have not been disputed, it had been stated that the flats in question was allotted to the petitioner only at tenanted cost. It had been stated that after finalisation of the final cost and after settlement of the final cost as determined by the respondents/ Board, along with interest if any, the sale deed would be executed in favour of the petitioner. It had also been held out that after settling the final cost along with any due interest upto the date of payment, the sale deed would be executed by the respondent/Board to all the allottees including the petitioner herein.

6. Heard the learned Senior Counsel Mr.Radhakrishnan, on behalf of the petitioner and Mr.D.Veerasekaran, learned Standing Counsel for the



respondents herein.

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7. The facts are not in dispute. The petitioner had been allotted flat in the fourth floor in M1/14, self-financing scheme Upplipalayam Phase-II in Coimbatore Housing Unit. The tenanted cost had been determined. It was paid in installments. The total cost was determined at Rs.21,41,000/-. The petitioner claims that he had paid the entire amount. The respondents have not raised serious dispute about that particular fact.

8. The petitioner has now stated that though the lease cum sale deed had been executed, the sale deed should be executed by the respondents herein. It is stated by the learned counsel for the respondents that the second respondent had forwarded a proposal to the first respondent to determine the total cost and it is stated that once that is determined, if the petitioner is due and payable any further amount, then on such payment and if interest is to be paid with payment of interest, the sale deed would be executed.

9. In view of these facts, a direction is given that within a period



of 8 weeks from the date of receipt of a copy of this notice, the first respondent may process the proposal of the second respondent and pass orders. On passing of such orders, the petitioner may, if called upon to pay any balance amount, abide by the terms and conditions of the first respondent and if he does so, I am confident that within a period of four weeks from the date on which the petitioner makes such payment, the sale deed would be executed by the respondents herein.

10. Recording as above, no further orders are required. The Writ Petition stands disposed of. No order as to costs.

28.02.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

1. The Chairman cum Managing Director
Tamil Nadu Housing Board
Anna Salai, Nandhanam
Chennai – 600 035.
2. The Executive Engineer/Administrative Officer



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Coimbatore Housing Unit,
Tamilnadu Housing Board
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C.V.KARTHIKEYAN, J.,

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