



WEB COPY

W.P.No.6109 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6109 of 2015

and

W.M.P.No.1 of 2015

N.Janakam

... Petitioner

Vs.

1.The Govt. of Tamil Nadu,
Rep. by Secretary to Government,
Housing and Urban Department,
Fort St. George, Chennai – 600 009.

2.The Chairman,
Tamil Nadu Housing Board,
331, Anna Salai,
Nandanam, Chennai – 600 033.

3.The Executive Engineer,
Site and Service Division II,
Scheme Tirur TNHB, Anna Nagar,
Chennai – 600 040.

4.The Manager Sales & Services,
Tamil Nadu Housing Board,
Thirumazhiesai Satellite City Division,
792, T.K.S.B.M. Tower (First Floor)
Trunk Road, Poonamalli,
Chennai – 600 056.

... Respondents



W.P.No.6109 of

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Letter No.Thi.Thu.Ko.Na.Ko./A1/23352/91, dated 27.11.2014 on the file of fourth respondent issued to the petitioner and quash the same and direct the respondents to execute Sale Deed transferring the Plot No.1/302 EWS 'B' Type Tirur Scheme in favour of the Petitioner and get validation of approved plan from local planning authority to enable the petitioner to construct the house on the said plot.

For Petitioner	: Mr.J.R.K.Bhavanantham
For R1	: Mr.S.Ravichandran Additional Government Pleader
For R2 to R4	: Mr.D.Veerasekaran [For TNHB]

ORDER

The order dated 27.11.2014 asking the petitioner to pay the balance cost amount of Rs.6,82,459/- is under challenge in the present writ petition.

2. The learned counsel for the petitioner mainly contended that there are contradictions in the matter of calculation of penal interest and the monthly instalments paid by the petitioner were wrongly calculated by the authority competent. Even in the counter affidavit, the respondents have



raised certain allegations, which all are self-contradictory. Thus, the order impugned is to be set aside.

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3. During the pendency of the writ petition, the respondent Tamil Nadu Housing Board cancelled the allotment in proceedings dated 06.03.2015, which is not under challenge in the present writ petition nor the petitioner has filed any other writ petition challenging the said cancellation order.

4. However, the learned counsel for the petitioner states that the break-up details regarding the calculations are not provided to the petitioner. Therefore, the exorbitant claims set out by the respondents are not in consonance with the terms conditions of the contract.

5. High court cannot adjudicate such discrepancies in the calculation of monthly instalments to be paid or the penal interest, which is imposed in terms of the contract. All such disputes are to be adjudicated with reference to the documents and evidences on record.



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6. However, the learned counsel for the respondents made a submission that the Government recently issued an order for waiver of interest for the benefit of the allottees and the petitioner may approach the competent authority for waiver of interest by availing the policy of the Government to be implemented shortly.

7. Since the order of cancellation has not been challenged in the present writ petition, and further the petitioner raises certain errors in calculating the monthly instalments and penal interest paid by the petitioner, the petitioner is at liberty to approach the competent authority and in the event of any such approach the authority competent shall consider the same on merits and in accordance with law. If at all the Government policy is implemented, the case of the petitioner may also be considered, if she is otherwise eligible under the policy introduced by the Government.



8. With this liberty, this Writ Petition stands disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

16.03.2023

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

- 1.The Secretary to Government,
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Jeni

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