



W.P.No.13239 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13239 of 2023

Himachal Pradesh Horticultrual Produce

Marketing and Processing Corporation Limited,
Represented by its Regional Manager No.34/1A-3,
Ennore Express High Road,
Thiruvottiyur,
Chennai - 600 019.

... Petitioner

Vs.

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

2. The Chief Revenue Officer,
Tamil Nadu Housing Board,
E & C Market Road,
Chennai - 600 107.

3. The Superintendent Engineer and Administrative Officer,
Tamil Nadu Housing Board,
K.K.Nagar Division,
C-48, 3rd Floor, 2nd Avenue,
Anna Nagar West,
Chennai – 600 040.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to issue “No Due Certificate”, accept the surrender of allotment and consequently, cancel the allotment of Flat No.A3, Ganga Nagar, K.K.Nagar, Chennai made in favour of the petitioner based on the representation dated 14.02.2019 given to the first respondent and subsequent representation dated 16.08.2022 given to the respondents 2 and 3.

For Petitioner : Mr.C.S.K.Sathish

For Respondents : Mr.D.Vera Sekaran for TNHB

ORDER

This Writ Petition has been filed for a direction to the respondents to issue “No Due Certificate”, accept the surrender of allotment and consequently, cancel the allotment of Flat No.A3, Ganga Nagar, K.K.Nagar, Chennai made in favour of the petitioner based on the representation dated 14.02.2019 given to the first respondent and subsequent representation dated 16.08.2022 given to the respondents 2 and 3 submitted by the petitioner.

2. The case of the petitioner is that the petitioner is a State Public Sector undertaking promoted by the Government of Himachal Pradesh. The respondents in the year 1975, had allotted a flat bearing No.3, First Floor,



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Ganga Nagar Project, K.K.Nagar, Chennai, measuring 965 sq.ft. on rental to the petitioner and the petitioner were paying a sum of Rs.3,360/- towards monthly rent. The third respondent by a letter dated 29.01.2020 called upon the petitioner to pay enhanced monthly rent of Rs.13,655/- and maintenance charges from 01.02.2020 with a condition to further enhance the monthly rent at 10% and maintenance charges at 5% respectively. In this regard, by letter dated 10.02.2020, the petitioner offered to surrender the key of the flat. Despite the petitioner offered to surrender the flat allotted to them, the Assistant Engineer in the office of the third respondent refused to receive the key. Therefore, the petitioner has made a representation dated 14.02.2019 to the first respondent and subsequent representation dated 16.08.2022 to the respondents 2 and 3 requesting them to accept the surrender of possession of the flat, issue "No Due Certificate" and cancel the allotment of flat. But, the respondents are still refusing to accept the surrender of the allotment of the flat made by the petitioner and refused to issue "No Due Certificate" to the petitioner. Hence, the present Writ Petition has been filed.



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3. Though very many grounds have been raised in the present Writ Petition, it would suffice, if this Court may issues a direction to the first respondent to consider the petitioner's representation dated 16.08.2022 and pass appropriate orders, within a time frame that may be fixed by this Court.

4. The learned counsel appearing for the respondents has no serious objection for such an order being passed by this Court.

5. Heard learned counsel appearing on either side and perused the materials placed before this Court.

6. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the first respondent to consider the petitioner's representation dated 16.08.2022 and pass appropriate orders, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.



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costs.

7. With the above directions, this Writ Petition is disposed of. No

01.06.2023

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

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