



WP No.30251 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-03-2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.30251 of 2014

And

MP No.1 of 2014

K.Bhageerathi

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Petitioner

VS.

1.The State of Tamil Nadu
Represented by its Secretary,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Executive Engineer and Administrative
Officer,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam,
Anna Nagar West,
Chennai-600 101.

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Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent pertains to letter No.ANA./NIL/ dated 15.09.2014 and quash the same in so far as the demand of exorbitant amount and consequently direct the respondents to receive a sum of Rs.92,907/- or any other legal and legitimate amount from the petitioner and execute and register a Sale Deed in favour of the petitioner in respect of Plot No.2/69, LIG II, Phase-I, Manali to an extent of 1000 sq. ft., in Survey No.244 in Sadayankuppam Village.

For Petitioner : Mr.M.Manivasagam for
M/s.M.Manivasagam Associates.

For Respondent-1 : Mr.S.Ravichandran,
Additional Government Pleader.

For Respondent-2 : Mr.D.Veerasekaran,
Standing Counsel for TNHB.



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ORDER

The order dated 15.09.2014 directing the petitioner to pay the total cost of the land allotted in her favour within a period of 60 days from the date of the impugned order and failing which the plot allotted in favour of the petitioner will be cancelled and re-auction will be conducted without any further notice is under challenge in the present writ petition.

2. It is not in dispute that the petitioner was allotted a plot under the Low Income Group Scheme at Manali. The petitioner was allotted Plot No.2/69, LIG II, Phase-I, Manali to an extent of 1000 sq. ft., in Survey No.244 in Sadayankuppam Village vide letter dated March 1997. The cost of the plot was fixed at Rs.58,000/- and the same shall be payable in 180 EMI at the rate of Rs.640/- plus 5/- per month. The initial amount of Rs.5,800/- was paid by the petitioner.



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3. Admittedly, the petitioner committed default in payment of monthly instalments, which resulted in initiation of action by the respondents. Since the petitioner was a defaulter, final opportunity was granted to the writ petitioner to pay the entire cost of the plot, within a period of 60 days through the impugned order dated 15.09.2014.

4. The learned Additional Government Pleader appearing on behalf of the first respondent and the learned Standing Counsel appearing on behalf of the second respondent, have brought to the notice of this Court that the plot allotted in favour of the petitioner was cancelled in the year 2010 itself on account of the default committed by the petitioner.

5. However, the Committee constituted subsequently reconsidered the case of the writ petitioner and subsequently the impugned order was passed on 15.09.2014 providing one more opportunity to the writ petitioner only to repay the total cost enabling the Authorities to restore the allotment already cancelled and to execute the Sale Deed. The petitioner has not



settled the said amount as per the impugned order and filed the present writ petition.

6. The learned counsel for the petitioner made a submission that the principal cost of Rs.1,77,849/- has already been paid by the petitioner and regarding the penalty imposed, it is arbitrary and exorbitant and the said amount is to be set aside.

7. The allotment of plot was made based on the terms and conditions stipulated in the Allotment Order. The petitioner agreed to the terms and conditions and accepted to pay the instalments. But, the petitioner has committed default in payment of EMI, which resulted in cancellation of allotment by the Authorities.

8. In order to give further opportunity, the Committee constituted had decided and the impugned order was issued, enabling the petitioner to get back the cancelled allotment on payment of full cost, within the period of



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60 days from the date of receipt of the Allotment Order. However, the petitioner has not paid the total cost as demanded by the Authorities.

9. This Court is of the considered opinion that the agreed terms and conditions between the parties cannot be interfered in the writ proceedings. The petitioner, admittedly, agreed to the allotment conditions when the plot was allotted to her in the year 1997.

10. That being the factum, the petitioner, if at all, having any grievances regarding calculation or otherwise, she has to approach the Competent Authorities for redressal of her grievances. Contrarily, the Court cannot interfere with the calculation of the total cost of the plot arrived by the respondents.

11. Thus this Court do not find any infirmity in respect of the order impugned dated 15.09.2014 passed by the second respondent.



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12. Accordingly, the present writ petition stands dismissed.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

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Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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To

1.The Secretary,
State of Tamil Nadu
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Executive Engineer and Administrative
Officer,
Tamil Nadu Housing Board,
Anna Nagar Division,
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S.M.SUBRAMANIAM, J.

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