



W.P.Nos.18405, 18406, 19259, 19260, 20417,
20418, 20612 & 20613 of 2018

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.03.2023

C O R A M

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

W.P.Nos.18405, 18406, 19259, 19260, 20417, 20418, 20612 & 20613 of
2018

and

W.M.P.Nos.21716 to 21718, 22648 to 22651, 8369 to 8371, 24227 to 24229
of 2018 8324 of 2019

W.P.No.18405 of 2018

R.Suresh Babu

... Petitioner

Vs

1. Tamil Nadu Housing Board,
Represented by its Managing Director,
No.33, Anna Salai,
Nandanam,
Chennai-600 035.
2. The Chief Engineer,
Tamil Nadu Housing Board,
No.33, Anna Salai,
Nandanam,
Chennai-600 035.

Page No:1/9



W.P.Nos.18405, 18406, 19259, 19260, 20417,
20418, 20612 & 20613 of 2018

WEB COPY

3. The Manager,
Marketing and Services,
Hosur Housing Board,
Tami Nadu Housing Board,
Bagalur,
Hosur-635 109,
Krishnagiri District.

4. The Executive Engineer
and Administrative Officer,
Tamil Nadu Housing Board,
Hosur Housing Unit,
Krishnagiri District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of writ calling for the records relating to letter No.HR2/4186/2015 dated 27.03.2018 issued by the 4th respondent in respect of House bearing No.HIG-I-20 at Phase VII in Hosur, Krishnagiri District, quash the same and consequently direct the respondents 3 & 4 to accept the balance reduced cost of House from petitioner and execute the Sale and register the same in favour of Petitioner within the time to be stipulated by this Court.

For Petitioner
(in all petitions) ... M/s.R.Bharathi Kumar

For Respondents
(in all petitions) ... Mr.D.Veerasekaran,
Standing Counsel for TNHB



WEB COPY



W.P.Nos.18405, 18406, 19259, 19260, 20417,
20418, 20612 & 20613 of 2018

COMMON ORDER

Since, the issue involved in all the Writ Petitions is one and same, all these Writ Petitions are disposed of by way of this common order.

2. The above Writ Petitions have been filed challenging the impugned orders dated 03.01.2017, 27.03.2018 & 03.06.2018 in respective Writ Petitions and for a consequential direction to the respondents 3 & 4 to execute and register the sale deed in favour of the petitioners by accepting the balance amount of the reduced cost of the house from the petitioners.

3. It is the case of the petitioner that based on the notification dated 18.12.2015 issued by the respondents 3 & 4 in leading dailies inviting applications from the General Public for sale of 178 Houses under Self Finance Scheme, the petitioners have applied for allotment of HIG-I house measuring to an extent of 84.50 sq metre, pursuant to which, HIG-I house was allotted to the petitioners vide regular allotment order dated 31.03.2016 of the 4th respondent



W.P.Nos.18405, 18406, 19259, 19260, 20417,
20418, 20612 & 20613 of 2018

subject to the condition of payment of 5% of the total amount of Rs.92,11,000/-

WEB COPY

. Though, the tentative cost of the house was mentioned as Rs.92,11,000/- in the Advertisement, however, in the allotment order, the cost of the house was mentioned as Rs.1,07,45,000/-. Hence, the allottees under the scheme made a collective representation requesting to reduce the cost of the house, pursuant to which, the cost of the house was reduced to the tune of Rs.90,68,000/- vide letter of the 3rd respondent however, the same was not communicated to the petitioners. Due to default in payment of 5% of the total amount, the impugned order dated 03.01.2017 came to be passed by the 3rd respondent cancelling the allotment order granted in favour of the petitioners. Subsequently, due to failure in payment of 90% of the total cost, the impugned order dated 27.03.2018 came to be passed cancelling the allotment. Thereafter, in the year 2018, the 4th respondent has issued the impugned notification dated 03.06.2018 in Dhinathanthi for sale of houses, under the very same scheme and challenging the same, these Writ Petitions have been filed by the petitioners.

4. Learned counsel for the petitioners submitted that the order of *status quo* was granted by this Court as against the cancellation of the allotment order,



**W.P.Nos.18405, 18406, 19259, 19260, 20417,
20418, 20612 & 20613 of 2018**

WEB COPY

upon condition that the petitioner shall pay a sum of Rs.40,00,000/- within a period of three weeks and accordingly, the petitioner has paid the said amount. Despite the payment of the said amount as per the direction of this Court, the allotment has not been restored.

5. Learned standing counsel appearing for the respondent board submits that though the petitioner claims that the above payment was made by them, however, till date, the petitioner has not paid the entirety of the balance amount. Further, as per the conditions of the allotment order, the sale deed can be executed in favour of the petitioner only when the balance amount is paid. Without paying the balance amount, the petitioner cannot, as a matter of right make the above claim. Hence, the orders under challenge need no interference.

6. This Court heard the learned counsel appearing on either side and perused the materials available on record.

7. It is the case of the petitioners that they have paid a sum of Rs.40,00,000/- based on certain orders passed by this Court. Though it is the



W.P.Nos.18405, 18406, 19259, 19260, 20417,
20418, 20612 & 20613 of 2018

WEB COPY

claim of the standing counsel for the respondents that balance amount has not been paid by the petitioner, however, in view of the fact that *status quo* granted by this Court is still force and in order to safeguard the interest of the petitioner, this Court is inclined to issue a direction to the respondent board to furnish the calculation memo to the petitioner as to the basis on which the cost of the house was arrived at within a period of two weeks from the date of receipt of a copy of this order so as to enable the petitioners to pay the balance amount and have the sale deed executed in their favour. On the receipt of the balance amount within the stipulated time, the respondent board is directed to execute the sale deed within a period of four weeks thereafter. If the petitioners have any grievance with regard to the cost that has been arrived at, it is open for the petitioners to raise their objections before the respondent board. Failure in payment of the balance amount towards the allotment within the stipulated period, the respondent board shall pass appropriate orders within a four period of four weeks from the date of objection of the petitioners.



WEB COPY



**W.P.Nos.18405, 18406, 19259, 19260, 20417,
20418, 20612 & 20613 of 2018**

8. These Writ Petitions are disposed of with the aforesaid direction.

There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

09.03.2023

Index:Yes/No
Internet:Yes

NHS



WEB COPY



W.P.Nos.18405, 18406, 19259, 19260, 20417,
20418, 20612 & 20613 of 2018

M.DHANDAPANI, J.

NHS

To

1. The Managing Director,
Tamil Nadu Housing Board,
No.33, Anna Salai,
Nandanam,
Chennai-600 035.
2. The Chief Engineer,
Tamil Nadu Housing Board,
No.33, Anna Salai,
Nandanam,
Chennai-600 035.
3. The Manager,
Marketing and Services,
Hosur Housing Board,
Tami Nadu Housing Board,
Bagalur,
Hosur-635 109,
Krishnagiri District.
4. The Executive Engineer
and Administrative Officer,
Tamil Nadu Housing Board,
Hosur Housing Unit,
Krishnagiri District.

W.P.Nos.18405, 18406, 19259, 19260,
20417, 20418, 20612 & 20613 of 2018



WEB COPY



**W.P.Nos.18405, 18406, 19259, 19260, 20417,
20418, 20612 & 20613 of 2018**

09.03.2023