



W.A.No.3209 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1. The Tamil Nadu Housing Board
Rep. by Chairman and Managing Director
Nandanam, Chennai – 600 035.
 2. The Executive Engineer & Administrative Officer
Tamil Nadu Housing Board
Anna Nagar Division, Thirumangalam
Chennai – 600 101.
 3. The Manager – Sales & Service
Tamil Nadu Housing Board
Anna Nagar Division, Thirumangalam
Chennai – 600 101.
- .. Appellants
- Vs.

1. A.Sampath Raja
 2. The Government of Tamil Nadu
Rep. by its Secretary to Government
Housing and Urban Development Department
Chennai – 600 009.
- .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order in W.P.No.18767 of 2018 dated 28.07.2022.



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For the Appellants : Mr.D.Veerasekharan

For the Respondents : Mr.Jenasenan
for R1

Mr.P.Muthukumar
State Government Pleader
for R2

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.D.Veerasekharan, learned counsel for the appellants, Mr.Jenasenan, learned counsel for the first respondent and Mr.P.Muthukumar, learned State Government Pleader for the second respondent.

2. The appellants are challenging the order passed by the learned Single Judge dated 28.07.2022 in W.P.No.18767 of 2018.

3.1. The present first respondent/original writ petitioner was allotted a plot in the year 1987. The allotment was canceled on 30.03.1990 as the first respondent did not deposit the amount. The first respondent filed W.P.No.2891 of 1991. The Court allowed the



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said writ petition on 01.12.1998. The order of the Court was not complied with.

3.2. The second petition was filed by the first respondent bearing W.P.No.2303 of 2016. Under the order dated 28.01.2016, the Housing Board was directed to take a decision on the first respondent's demand. On 29.02.2016, the Housing Board fixed the amount at Rs.4,000/- (Rupees Four Thousand Only) per Sq.Ft. and demanded the amount from the first respondent at Rs.4,000/- (Rupees Four Thousand Only) per Sq.Ft. The first respondent again challenged the same by filing W.P.No.8511 of 2016. The said writ petition was dismissed.

3.3. W.A.No.352 of 2017 was filed. The Division Bench, under its order dated 15.11.2017, allowed the writ appeal in part and thereby fixed the price at Rs.2,000/- (Rupees Two Thousand Only) per Sq.Ft. The Housing Board was directed to make the demand within eight weeks, calculating the amount at Rs.2,000/- (Rupees



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Two Thousand Only) per Sq.Ft. However, the Board calculated the amount at Rs.2,000/- (Rupees Two Thousand Only), including the interest from 22.12.2015 to 30.06.2018. The same was challenged by filing W.P.No.18767 of 2018.

3.4. The learned Single Judge, came to the conclusion that in view of the earlier order of the Division Bench of this Court in W.A.No.352 of 2017, the present appellants cannot charge the interest. However, directed to pay interest at 7% per annum from 15.03.2018 till the date of payment. According to the learned counsel for the appellants, the Division Bench, while disposing of W.A.No.352 of 2017, did not say anything about the interest, as such, it was open for the appellants to charge interest.

4. While disposing of W.A.No.352 of 2017, under order dated 15.11.2017, the Division Bench observed as thus:

"14. We direct the Tamil Nadu Housing Board to issue a fresh demand, calculating the land cost at the rate of Rs.2,000/- per Sq.Ft. Notice of demand



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should be issued to the appellant within a period of eight weeks from today. The appellant shall be given eight weeks' thereafter to pay the land cost. There shall be a further direction to the respondents to execute the sale deed in favour of the appellant after collecting the amount at the rate indicated above."

Under the aforesaid order, the Division Bench of this Court never permitted the appellants herein to charge interest. Directions were given to calculate the land cost at the rate of Rs.2,000/- (Rupees Two Thousand Only) per Sq.Ft. and notice of demand was directed to be issued within eight weeks.

5. The above order was never challenged by the present appellants. The same has become final. It is accepted by the learned counsel for the appellants that pursuant to the impugned order, the first respondent has deposited the entire amount, but there is a shortfall of Rs.11,140/- (Rupees Eleven Thousand One Hundred and Forty Only). Learned counsel for the writ petitioner/first respondent herein submits that the same would be paid within a period of one



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6. In the light of that, the writ appeal stands disposed of.
There will be no order as to costs. Consequently, C.M.P.No.26239 of
2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)
22.11.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

1. The Secretary to Government
The Government of Tamil Nadu
Housing and Urban Development Department
Chennai – 600 009.



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(drm)

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