



W.P.No.33523 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.33523 of 2019
and W.M.P.No.33985 of 2019

S.K.Ayyasamy

...Petitioner

-Vs-

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

2.Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai-36.

3.The Executive Engineer,
Thiruvannamalai Division,
No.10, 5th Cross Street,
Gandhi Nagar,
Thiruvannamalai.

4.The Assistant Revenue Officer,
Vellore Housing Unit,
Tamil Nadu Housing Board,
Vellore-632 009.

...Respondents



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Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order of the Assistant Revenue Officer, Vellore Housing Unit, Tamil Nadu Housing Board, the 4th respondent herein vide his proceedings in File No.A3/5991/09, dated 26.09.2019 and quash the same illegal, arbitrary, unreasonable being violative of rules and principles of natural justice and thereby direct the respondents herein to execute the sale deed in favour of the petitioner for HIG House No.211, Tirupattur Housing Board, the then Thiruvannamalai Housing Unit, now Vellore housing unit.

For Petitioner : Mr.V.Thirupathi

For Respondents : Mr.M.Bindran
Additional Government Pleader
for R1

Mr.D.Veerasekaran
for R3

ORDER

The petitioner herein is an allottee of a plot under the Government discretionary quota in a scheme promoted by the TNHB. The allotment



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was made on 09.03.2001, and the plot was priced at Rs.3,95,100/-. The petitioner made an initial payment to the tune of Rs.1,58,100/- and the balance was to be paid in equal monthly installments of Rs.3,719/- for 14 years. According to the petitioner, a lease cum sale agreement has also been executed in his favour. While so, the third respondent issued a notice dated 29.06.2010, directing the petitioner to pay a sum of Rs.1,73,678/-. Thereafter, he also received another notice from the TNHB, directing him to pay a sum of Rs.1,79,422/-. As per the demand notice, the petitioner paid Rs.1,80,400/- with interest as on 04.03.2013. Thereafter, the petitioner received another notice dated 26.09.2019, which required the petitioner to pay a sum of Rs.11,015/-. This notice is now under challenge.

2.Heard Mr.V.Thirupathi, the learned counsel for the petitioner, Mr.M.Bindran, the learned Additional Government Pleader for the first respondent and Mr.D.Veerasekaran, the learned counsel for the third respondent.



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3.Learned counsel for the petitioner submitted that in the counter, the respondent has contended that the petitioner is still liable to pay another Rs.5 lakhs and later, this amount was reduced to Rs.2 lakhs. The learned counsel submitted that there is no clarity as to the basis on which these demands are made.

4.There are two aspects to the petitioner's case: One is his challenge to the notice dated 26.09.2019, and the other relates to the allegations made in the counter. What is significant in the entire narration of facts by the petitioner is that nowhere has the petitioner averred that he is prompt in paying monthly installments or that he has been making regular payments in accordance with the schedule.

5.Having stated thus, without getting into the merit of the petitioner's case, this Court now requires the TNHB to provide the petitioner a right of hearing and explain to him the basis of its liability with the aid of required calculation.



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6.The Writ Petition stands disposed of accordingly. No costs.

Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No

Internet : Yes/No

Anu

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