



W.P.(MD) Nos.4509 and 5429 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) Nos.4509 and 5429 of 2020

and

W.M.P(MD) Nos.3822 and 4725 of 2020

W.P(MD) No.4509 of 2020

Veluchamy

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandanam, Chennai-35.
- 2.The Assistant Secretary (Allotment),
Tamil Nadu Housing Board, Chennai-35.
- 3.The Assistant Executive Engineer and
Administration Officer,
Tamil Nadu Housing Board,
Trichy Unit, Kajamalai Colony,
Trichy-20.
- 4.The Allottee Service Manager,
Tamil Nadu Housing Board,
Trichy Housing Unit,
Kajamalai Colony,
Trichy-20.

... 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 third respondent to execute the necessary Sale Deed/Deed of Transfer of the House and Land in HIG house bearing serial No.M-84 at Navalpattu NH Scheme, Trichy, in favour of the petitioner.

W.P(MD) No.5429 of 2020

Veluchamy

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandanam, Chennai-35.
- 2.The Assistant Secretary (Allotment),
Tamil Nadu Housing Board,
Nandanam,
Chennai-35.
- 3.The Executive Engineer and
Administration Officer,
Tamil Nadu Housing Board,
Trichy Unit, Kajamalai Colony,
Trichy-20.
- 4.The Assistant Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Trichy Unit,
Kajamalai Colony,
Trichy-20.



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5. The Allottee Service Manager,
Tamil Nadu Housing Board,
Trichy Housing Unit,
Kajamalai Colony,
Trichy-20.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records relating to the proceedings made in Letter No.R1/468/2020, dated 04.03.2020 on the file of the third respondent and quash the same.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.M.Suresh
Standing Counsel
(in both petitions)

COMMON ORDER

W.P(MD) No.4509 of 2020 is filed for issuance of writ of mandamus directing the third respondent to execute the necessary Sale Deed/Deed of Transfer of the House and Land in HIG house bearing Serial No.M-84, at Navalpattu NH Scheme, Trichy, in favour of the petitioner.



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2. W.P(MD)No.5429 of 2020 is filed for issuance of writ of certiorari to call for the records relating to the proceedings made in Letter No.R1/468/2020, dated 04.03.2020, on the file of the third respondent and quash the same.

3. Both the writ petitions are filed by the same petitioner. The facts which are common to both the writ petitions are as follows:-

The petitioner had made an application to the third respondent for the purchase of HIG ready built house. A sum of Rs.6,720/- was paid on 17.10.2001 as application fees and the third respondent had made an allotment on 07.11.2001 of the house bearing No.M-84 at Navalpatu NH Scheme. The cost of the house including the lands (tentative cost) was fixed at Rs.3,54,000/-. By letter, dated 13.03.2002, the fourth respondent had handed over the possession of the house and lands. The petitioner would further submit that thereafter he has been regularly approaching the respondents to give him the details of the payment that has to be made by him. However, there was no response to the same, which constrained him to send a representation, dated 21.10.2019, to



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give details of the balance payment. There was no response to the same, which constrained the petitioner to file WP(MD) No.4509 of 2020 and on 03.03.2020, an injunction was granted restraining the respondents from interfering with possession and occupation of the petitioner. When this writ petition is pending, the respondent had issued a impugned letter demanding a sum of Rs.15,50,000/- as against the amount of Rs.3,54,000/-. Therefore, the petitioner has filed W.P(MD) No.5429 of 2020 to quash the said proceedings.

4. The respondents has filed counter *inter alia* contending that except for a sum of Rs.6,720/-, not a single penny has been paid by the petitioner and on the contrary, he has been put in possession of the property and he is occupying the same on the strength of interim order passed in W.P(MD) No.4509 of 2020. He would further submit that all these 18 years, the petitioner has not come forward to make the payment and to get the sale deed executed. It is only in 2019 that a representation has been made for the first. They would further submit that there is no merit in the writ petitions and the same deserve to be dismissed. The



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alleged representation dated 21.10.2019 was never received by the respondents and to support his contention, they have produced the Tapal Register from 21.10.2019 onwards till 01.11.2019.

5. Heard the learned counsel appearing on either side and perused the records.

6. The petitioner has come to the Court stating that he has been allotted the property in question and the tentative cost has been fixed at Rs.3,54,000/-. It is also his case that he has only paid a sum of Rs.6,720/- as advance. The contention of the petitioner that he was kept in the dark about the amounts to be paid by him, is rather surprising in the light of the very allotment letter, wherein it has been clearly stated that the property was being allotted for a sum of Rs.3,54,000/- where the land cost was only tentative. There is nothing to show that the petitioner has even paid a sum of Rs.3,54,000/-. After the allotment in the year 2001, there has been pindrop silence on the side of the petitioner and he has managed to continue to remain in possession of the property by



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paying just a sum of Rs.6,720/- as on date, for the last 22 years. The allotment letter has clearly stated that the cost was tentative and it is liable for revision.

7. In the light of the conduct of the petitioner in not approaching the authorities within the time, though there has been a slackness also on the part of the respondents and also considering the fact that even the amount set out in the allotment letter has not been paid, I see no reason to interfere with the letter issued by the third respondent. Consequently, W.P(MD) No.5429 of 2020 is dismissed.

8. As regards WP(MD)No.4509 of 2022, it is seen that the very representation which has been filed into Court is only a document created for the purpose of filing the writ petition. The said letter is stated to have been sent on 21.10.2019 and there is no proof to show that the same has been served on the respondents. That apart, the respondents have themselves filed their Tapal Registrar to show that no letter has been received till 01.11.2019. Therefore, I see no merits for granting the



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relief claimed in W.P(MD)No.4509 of 2020 and accordingly, the same is dismissed. No costs. consequently, connected miscellaneous petitions are allowed.

23.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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P.T.ASHA, J.

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and
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Dated: 23.06.2023