



W.A.(MD)No.654 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.654 of 2019

and

C.M.P.(MD)Nos.5520 & 5521 of 2019

M.Balakrishnammal

... Appellant

Vs.

1.The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai, Nandanam,
Chennai-600 035.

2.The Executive Engineer and
Administrative Officer,
Madurai Housing Board Unit, Ellis Nagar,
Madurai-625016.

3.Manager-Marketing and Service,
Madurai Housing Unit,
Tamil Nadu Housing Board,
Ellis Nagar, Madurai-625016.

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.14233 of 2018, dated 23.04.2019 on the file of this Court.



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For Appellant : Mr.J.Lawrance

For Respondents : Mr.A.Kannan, Standing Counsel

JUDGMENT

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***)

This Writ Appeal has been instituted against the order dated 23.04.2019 passed in W.P.(MD)No.14233 of 2018.

2.The appellant has instituted the Writ proceedings, challenging the letter dated 20.03.2018 issued by the Executive Engineer and Administrative Officer, Madurai Housing Board Unit and seeking a direction to the respondents to adjust the amount deposited already by the appellant and to collect the balance dues and executed the sale deed.

3.The learned Single Judge dismissed the Writ Petition on the ground that the appellant was a defaulter in repayment of dues to the Madurai Housing Board. Thus, the appellant preferred the present Writ Appeal.



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4. During the course of arguments, the learned counsel appearing for the appellant made a submission that the appellant is ready and willing to settle the entire dues together with the interest and penal interest. Accordingly, we have asked the learned Standing Counsel for the respondents Housing Board to submit the calculation sheet and to ascertain the balance to be paid by the appellant to the Madurai Housing Board.

5. The learned Standing Counsel for the respondents submitted assessment of cost till 31.10.2023. As per the working sheet, the appellant is liable to pay a sum of Rs.18,87,000/- (Rupees Eighteen Lakhs and Eighty Thousand Only) towards full and final settlement.

6. The learned counsel for the appellant has made a submission that the appellant will settle the entire amount of Rs.18,87,000/- within a period of one month from today.

7. Thus, the balance interest for the period from 01.11.2023 to till the date of payment also to be recovered from the appellant. Accordingly, the



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appellant is directed to pay a sum of Rs.18,87,000/- along with further interest till the date of payment on or before 30.11.2023. In the event of failure on the part of the appellant in paying entire dues, the Madurai Housing Board / respondents are at liberty to take possession of the allotted house and thereafter, recover the dues from the appellant by following due procedures.

8.With these terms, this Writ Appeal stands disposed of. No costs.
Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (V.L.N., J.)

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NCC : Yes / No
Index : Yes / No
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