



W.A.(MD)Nos.1470 and 1471 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.10.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD)Nos.1470 and 1471 of 2023

Veluchamy

... Appellant/Writ Petitioner in
both the Writ Appeals

Vs

1.The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandanam,
Chennai – 25.

2.The Assistant Secretary (Allotment),
Tamil Nadu Housing Board,
Chennai – 35.

.. Respondents 1 & 2 in both
Writ Appeals

The Assistant Executive Engineer and
Administration Officer,
Tamil Nadu Housing Board,
Trichy Unit,
Kajamalai Colony,
Trichy – 20.

.. 3rd Respondent in W.A.(MD)
No.1470 of 2023 and 4th
Respondent in W.A.(MD) No.
1471 of 2023



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The Executive Engineer and Administration Officer,
Tamil Nadu Housing Board,
Trichy Unit,
Kajamalai Colony,
Trichy – 20.

.. 3rd Respondent in W.A.(MD)
No.1471 of 2023

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

.. 4th Respondent in W.A.(MD)
No.1470 of 2023 and 5th
Respondent in W.A.(MD) No.
1471 of 2023

COMMON PRAYER:- Writ Appeals filed under Clause 15 of Letters Patent Act, to set aside the common order dated 23.06.2023 made in W.P. (MD)Nos.4509 and 5429 of 2020 on the file of this Court.

For Appellant in both the : Mr.R.Sakthivel
Writ Appeals

For Respondents in both the : Mr.A.Kannan
Writ Appeals Standing Counsel

COMMON JUDGMENT

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

These appeals have been filed against the common order dated 23.06.2023, passed in W.P.(MD)Nos.4509 and 5429 of 2020.



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2. The appellant Mr.Velusamy submitted an application to the Assistant Executive Engineer and Administration Officer, Tamil Nadu Housing Board for purchase of MIG Ready Built House. The appellant paid a sum of Rs.6,720/- on 17.10.2001 towards application fees and accordingly, the Assistant Executive Engineer had passed an order of allotment, dated 07.11.2001, allotting house No.M84 at Navalpattu Neighbourhood Scheme. The tentative cost was fixed at Rs.3,54,000/- by letter dated 13.03.2002. Possession was handed over to the appellant. The appellant admittedly a defaulter and not paid the instalments. It is brought to our notice that except the initial payment of Rs.6,720/-, the appellant has not even paid a rupee thereafter and became a chronic defaulter in payment of dues to the Tamil Nadu Housing Board. In the meanwhile, the appellant filed W.P.(MD) No.4509 of 2020, seeking a direction to the third respondent to execute the necessary sale deed /deed of transfer of house and land in MIG House bearing No.M84 at Navalpattu Neighbourhood Scheme, Trichy, in favour of the appellant. Pending the Writ Petition the Executive Engineer and Administrative Officer issued letter No.R1/468/2020, dated 04.03.2020, demanding a sum of Rs.15,50,000/-. Challenging the same, the appellant filed W.P. (MD) No.5429 of 2020.



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3. Learned Single Judge considered the issue and made a finding that there is no reason to interfere with the letter issued by the third respondent for initiation of further action in the event of failure on the part of the appellant to pay the entire costs as fixed by the Tamil Nadu Housing Society and consequently the Writ Petitions were dismissed on 23.06.2023. Thus, the Writ Appeals have been filed.

4. In the meanwhile, the Tamil Housing Board passed an order in proceedings dated 02.08.2023, asking the appellant to pay the entire costs of land and the house, failing which further proceedings would be initiated to evict the petitioner under Section 84 of the Tamil Nadu Housing Board Act. This Court by order dated 30.08.2023, passed an interim order on condition that the appellant / writ petitioner pays a sum of Rs.10,00,000/- within a period of four weeks from the date of receipt of a copy of this order. Though the order was passed on 30.08.2023, till today the appellant has not complied with the order and come out with the plea that he will pay only a sum of Rs.5,00,000/- for the present. Therefore, the appellant / writ petitioner himself has violated the interim order passed by this Court and not made use of the order for the purpose of avoiding further action on the hands of the Tamil Nadu Housing Board.



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5. Even on merits, except the initial payment of Rs.6,720/-, no further payment is made by the appellant and therefore, he is not entitled to seek any relief from the hands of this Court.

6. With these observations, these Writ Appeals are dismissed.

No costs.

[S.M.S.J.,] & [V.L.N.J.,]
13.10.2023

NCC :Yes/No

Index :Yes/No

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S.M.SUBRAMANIAM, J.
AND
V. LAKSHMINARAYANAN, J.

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