



W.P.(MD)Nos.18543, 18547, 18548, 18550 to 18556 and 18558 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**W.P.(MD)Nos.18543, 18547, 18548, 18550 to 18556
and 18558 of 2018**

W.P.(MD)No.18543 of 2018

R.Latha Mangeskar

... Petitioner

versus

1. The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Kamarajar Salai,
Anbu Nagar,
Tirunelveli – 627 010.
2. The Chairman,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai – 600 035.
3. State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing Unit and Urban
Development Department,
Fort St. George,
Chennai – 600 009.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records of the 1st respondent vide demand notice No.R3/GO104-BCOST/2017 dated 22.09.2017 and quash the same by an order of this Hon'ble Court and thereafter, pass orders/directions to issue a fresh demand notice for land cost of Rs.3000/- per cent as per the Minimum amount levied by the Sub Court, Tirunelveli, in LAOP's and direct the petitioner to execute the Sale Deed in favour of the petitioner.

For Petitioner : No appearance

For R1 and R2 : Mr.S.Velmurugan,
Standing Counsel

For R3 : Mr.M.Sarangan,
Additional Government Pleader

COMMON ORDER

The petitioners were allottees of the houses constructed by the Tamil Nadu Housing Board Colony, V.M. Chatram, Palayamkottai Taluk, Tirunelveli District. In the year 1997, at the time of allotment, the cost of building was tentatively shown as Rs.2,32,900/-. The petitioners claim that they have paid the tentative cost. However, on



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10.03.2011, the Housing Board had issued a notice to the petitioners, demanding more amount than the amount prescribed in the year 1997.

Challenging the same, the petitioners have filed applications before the District Consumer Forum, Tirunelveli in C.C.No.119 of 2011 etc. Initially, their applications were dismissed by the District Consumer Forum, Tirunelveli, against which, they preferred appeals before the State Consumer Forum, Madurai. The State Consumer Forum, Madurai, have allowed all these appeals and remanded the matters for fresh consideration by the District Consumer Forum, Tirunelveli. Pending the proceedings before the District Consumer Forum, Tirunelveli, the Housing Board had again issued another demand notice calling upon the petitioners to make payments on or before 26.08.2018. Challenging the same, these writ petitions have been filed. Now, it is reported that the District Consumer Forum, Tirunelveli, has taken a decision on the applications filed by the petitioners, against which, appeals are pending before the State Consumer Forum.



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2. These writ petitions have been filed in the year 2018. There is no endorsement available in the record as to whether any notice was ordered in these writ petitions. These writ petitions are pending without even any notice to the respondents.

3. When these writ petitions were taken up for hearing on 10.11.2023, this Court directed the learned Standing Counsel appearing for the Tamil Nadu Housing Board to get instructions as to the present stage of the cases and posted the matters on 20.11.2023. Since there was no representation for the petitioners on 20.11.2023, the Registry was directed to list these matters today under the caption “For Dismissal”. Even today, there is no representation for the petitioners.

4. Today, the learned Standing Counsel appearing for the Tamil Nadu Housing Board has filed a report with regard to the payment made by the petitioners and the remaining amount to be paid by the petitioners. The details are as under:



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Sl No	W.P.(MD) Case Nos	Name of the Allottee Thiru/Tmt	House No	Tentative cost as per Allotment order (in Rs.)	Allotment Date	Final land Cost (per Ground) (in Rs.)	Date fixed by the Board for the Final cost fixed by the Bd proceeding No.C1/1240-A/11 dt: 18.02.2011 (per Ground) (in Rs.)	Demand as on 30.11.2023 (in Rs.)	Amount paid (in Rs)	Balance cost to be paid (in Rs)
1	18543/2018	R.Latha Mangeskar	MIG-23	232900	18.08.1997	283000	31.08.1996	763542	349047	414495
2	18547/2018	Parvathi ammal	MIG-59	209400	16.07.1996	216000	31.08.1996	547008	218070	328938
3	18548/2018	M.Ganesan	MIG-35	214158	16.12.1996	239000	31.08.1996	604854	226015	378839
4	18550/2018	S.Ponesaki	MIG-36	250000	24.12.1997	283000	31.08.1996	796349	242162	554187
5	18551/2018	Gershen Thangaraj	HIG-6	475490	03.10.1996	283000	31.08.1996	2298125	575386	1722739
6	18552/2018	S.Gana soundari	HIG-10	660600	13.11.1998	334000	31.08.1996	2561160	904320	1656840
7	18553/2018	E.Irundayaraj	MIG-34	249300	16.09.1997	283000	31.08.1996	728950	258423	470527
8	18554/2018	R.Kali ammal	HIG-12	562500	30.04.1998	334000	31.08.1996	2759229	892561	1866668
9	18555/2018	A.Krishna veni	HIG-11	467100	30.12.1996	283000	31.08.1996	2474373	526588	1947785
10	18556/2018	P.Ananthammal	HIG-19	547700	10.07.1998	334000	31.08.1996	1765362	621669	1143693
11	18558/2018	Senthil Kumar	HIG-20	433500	20.03.1997	283000	31.08.1996	1468688	455706	1012982

5. The learned Standing Counsel also submits that out of 11 persons, six of them have already settled the amount and also received the sale deed and others are still agitating this issue before the State Consumer Forum, Madurai.



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27.11.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.

To

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B.PUGALENDHI, J.

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