



W.P.No.3902 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM

**THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN**

W.P.No.3902 of 2022

and

W.M.P. No. 4051 of 2022

K.Manickam

... Petitioner

Vs

1. The Managing Director,  
Tamil Nadu Housing Board,  
CMDA Complex,  
E & C Market Road, Koyambedu,  
Chennai – 600 107.

2. The Executive Engineer,  
S.A.F.Games Village Division,  
Tamil Nadu Housing Board,  
Thirumangalam,  
Anna Nagar West Extension,  
Chennai – 600 101.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to execute, Register and hand over the sale deed to the petitioner in respect of HIG II, Flat No. 3 in 15<sup>th</sup> Floor in the HIG Flats, South Asian Federation (S.A.F) Games Village Division, Tamil Nadu Housing Board Project, Koyambedu at Chennai.

For Petitioner : Mr. S.Santhosh Kumar



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For Respondents : Mr. D.Veerasekaran,  
Standing Counsel

## **ORDER**

This Writ Petition has been filed for directing the respondents to execute, Register and hand over the sale deed to the petitioner in respect of HIG II, Flat No. 3 in 15<sup>th</sup> Floor in the HIG Flats, South Asian Federation (S.A.F) Games Village Division, Tamil Nadu Housing Board Project, Koyambedu at Chennai.

2. The respondents floated the Scheme for new High-Income Group (HIG) Multi Storied Flat Scheme, comprised in T.S. No.1/1, PT Block, situated at Koyambedu Village Commercial Site-II in South Asian Federation Games Village, Koyambedu, Chennai. The said construction was out to sale for public through 'Self Finance Scheme'. In the specifications mentioned in the said brochure released by the respondents, it is clearly mentioned about the Structure, Building Specification, Name of the Architect, Flooring, Finishing, Kitchen Arrangement, Joineries, Roof Slab Finishing, Water supply and Sewer Arrangements and Sewer and Sanitary Arrangements. The mode of payment is also mentioned, as per which, the



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cost of HIG Flat varies from Rs.86,65,000/- to Rs.1,30,18,000/-. Further, the selected applicants should pay 10% of cost of the flat after deducting the initial deposit amount of Rs.2,00,000/- within a period of 21 days from the date of receipt of the provisional allotment order. The balance 90% payment is to be remitted at 20% of the cost of flat on commencement of work, at 20% of cost of the flat within next three months, at 10% of cost of the flat within next three months, at 10% of cost of the flat within three months, at 10% of cost of the flat within next three months, at 5% of cost of the flat within next three months, at 5% of cost of the flat within next three months, at 5% of cost of the flat within next three months and finally at 5% of cost of the flat will be collected at the time of handing over the flat.

3. The petitioner was allotted HIG II Type, Flat No.3 in 9<sup>th</sup> Floor. Thereafter, on the request of the petitioner, he was allotted HIG III Type, Flat No.1, 17<sup>th</sup> floor by allotment letter dated 21.10.2016. Once again, on the request made by the petitioner, he was allotted flat No.3 HIG II Type, 15 Floor. The case of the petitioner is that though he paid the entire amount, the respondents have not registered any sale deed as per the allotment order. According to the petitioner, so far, he has paid a sum of Rs.1.31,69,000/-.



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Therefore, the petitioner submitted a representation for execution of the sale deed in his favour.

4. From the counter-affidavit filed by the second respondent as well as the submissions made by the learned Standing Counsel appearing for the respondents, it is clear that though the petitioner was initially allotted HIG II, Flat No.3 at 9<sup>th</sup> floor, on the request of the petitioner, he was allotted flat No.3 HIG II Type at 15<sup>th</sup> Floor. Initially, the petitioner had paid a sum of Rs.2,00,000/- on 09.04.2015 and he has paid first installment at Rs.10,74,700/-. Subsequently, he had paid second and third monthly installments at Rs.50,98,800/-, i.e, belatedly on 30.06.2016. Further, a sum of Rs.63,73,500/- was also paid belatedly. On the request made by the petitioner for change of flat, the petitioner was allotted HIG III type flat No.1 at 17<sup>th</sup> floor. The tentative cost of the newly allotted flat is at Rs.1,30,19,000/- for an extent of 1366 sq.ft. However, the petitioner failed to pay any amount after three allotment of HIG III type flat No.1 at 17<sup>th</sup> floor. Once again, the petitioner requested for re-allotment by changing of flat. The said request was also considered by the respondents and the petitioner was allotted HIG II type fFlat No.3 at 15<sup>th</sup> floor on 29.05.2019.



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5. As per the allotment order, the tentative cost of the said flat is Rs.1,31,69,000/-. Accordingly, the lease-cum-sale agreement was executed on 29.05.2019 in favour of the petitioner and the flat was handed over to the petitioner. Thereafter, the petitioner was duly informed about the finalization of the tentative cost of the allotment HIG II type flat No.3 at 15<sup>th</sup> floor at Rs.10,122/- per sq.ft. Therefore, the petitioner was issued notice to pay a sum of Rs.24,94,261/- on or before 31.03.2020. However, the petitioner failed to pay and as such, the second respondent once again, on 27.10.2021, directed the petitioner to pay the outstanding amount of Rs.28,69,156/-. Once again, the petitioner was served with notice dated 31.10.2023, thereby a sum of Rs.32,31,109/-, was directed to be paid. So far, the petitioner is on due of Rs.33,59,557/-. Therefore, the direction sought for in this Writ Petition cannot be considered and the Writ Petition is devoid of merits.

6. In the result, this Writ Petition is dismissed. However, if the petitioner pays entire amount without any due, as demanded by the second respondent, the second respondent is directed to execute the sale deed in favour of the petitioner. Consequently, the connected Miscellaneous Petition



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is closed. No costs.

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Index: Yes/No  
Neutral Citation: Yes/No  
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To

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**G.K.ILANTHIRAIYAN, J.**

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