



W.P.No.14003 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM:

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

**W.P.No.14003 of 2021**

S.Dhilipkumar

...Petitioner

-Vs-

1.The Chairman

Tamilnadu Housing Board  
(TNHB) Ltd., Chennai Circle  
SE Office,  
No.493, Anna Salai,  
Nandanam, Chennai-600 035.

2.The Board of Directors

Tamilnadu Housing Board  
(TNHB) Ltd., Chennai  
CMDA Complex,  
Etc Market Road  
Koyambedu, Chennai-600 107

3.The Executive Engineer & Ado

Marketing and Sales,  
Tamilnadu Housing Board Ltd  
Thirumazhisai Satellite Town Division  
No.C-48, 3rd Floor  
2nd Avenue, Anna Nagar  
Mangalur-606 040.

... Respondents



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**Prayer :** Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd respondent to register the sale deed in favour of the petitioner within a stipulated period based on the petitioners' representation dated 24.04.2021.

For Petitioner : Mr.T.Nixon

For Respondents : Mr.D.Veerasekaran  
Standing Counsel

### **ORDER**

This Writ Petition has been filed for a direction directing the third respondent to register the sale deed in favour of the petitioner.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. In the year 2017, the respondents had introduced a scheme at Thirumazhisai Satellite Town Division under caste category for allotment of housing plots. The petitioner had applied and he was allotted a plot in MIG-Type individual house at Sevapet Phase-I by a letter dated 11.08.2017 admeasuring 1453 square feet and the plinth area is 701 sq.ft. The tentative cost was fixed at Rs.28,76,000/-. As per the procedures, the petitioner had paid 5% of the total cost at the time of his application and next part payment of 5%



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of amount was paid on 27.10.2017. At the time of commencing the work, he had paid 30% of part payment on 14.02.2018. He had paid another part payment of 30% on 14.02.2018. He had paid another part payment of 30% on 16.03.2018. The final amount of Rs.38,400/- and Rs.8,24,400/- which were paid on 04.05.2018 and 31.05.2018 respectively. Even then the third respondent failed to register any sale deed in favour of the petitioner. Though the petitioner made the payment to the tune of Rs.28,76,000/-, all the payments were made belatedly. The payment schedule is as follows :-

| Installment number | Due date   | Paid date  | Amount        | Delay            |
|--------------------|------------|------------|---------------|------------------|
| 1                  | 04.12.2017 | 14.02.2018 | Rs.8,62,800/- | 2 months 10 days |
| 2                  | 04.02.2018 | 16.03.2018 | Rs.8,62,800/- | 1 month 12 days  |
| 3                  | 04.04.2018 | 04.05.2018 | Rs.38,400/-   | 1 month          |
| 4                  | 04.04.2018 | 31.05.2018 | Rs.8,24,400/- | 1 month 27 days  |

4. As per the terms and conditions of the allotment, interest was charges for belated payments. Accordingly, by a communication dated 05.02.2021, the petitioner was informed to pay a sum of Rs.54,129/- towards interest payable by the petitioner for execution of sale deed. However, the petitioner so far did not pay any interest and approached this Court.



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5. Therefore, the third respondent is directed to consider the representation submitted by the petitioner, after giving an opportunity of hearing to the petitioner while calculating interest for the belated payment, and pass appropriate orders to register the sale deed in favour of the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands disposed of.

No costs.

17.04.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

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

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