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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2024

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.Nos.23076 and 23077 of 2018
and WMP.Nos.14612, 14613, 14614, 14615, 26958,
26959, 26960 and 26961 of 2018

N.Umayavan

... Petitioner in both the petitions

Vs.

1. The Managing Director,
Tamil Nadu Housing Board,
No.33, Anna salai, Nandanam,
Chennai-35.

2. The Chief Engineer,
Tamil Nadu Housing Board,
No.33, Anna salai, Nandanam,
Chennai-35.

3. The Manager,
Marketing and Services,
Hosur Housing Unit,
Tamil Nadu Housing Board,
Bagalur, Hosur, Krishnagiri District.

4. The Executive Engineer,
cum Administrative Officer,



Tamil Nadu Housing Board,
Hosur, Krishnagiri District.

... Respondents

Prayer in W.P.No.23076 of 2018: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari calling for the records relating to the impugned advertisement made by the 4th respondent in Dhinathanthi on 03.06.2018 for the sale houses at HNHS Phase VII Scheme in Hosur Village, Krishnagiri district and quash the same.

Prayer in W.P.No.23077 of 2018: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari calling for the records relating to letter No.HR11/3829/2015 dated 03.01.2017 issued by the 3rd respondent in respect of HIG-I-11 at Phase VII in Hosur, Krishnagiri District quash the same and consequently direct the respondents 3 and 4 to accept the balance reduced cost of house from the petitioner and execute the sale deed and register the same in favour of the petitioner within the time to be stipulated by this Court.

For Petitioner : Mr.R.Bharathkumar in both the petitions

For Respondents : Mr.D.Veerasekaran, TNHB

In both the petitions

COMMON ORDER

The writ petitions have been filed seeking to quash the impugned advertisement made by the 4th respondent in Dhinathanthi on 03.06.2018 for



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the sale houses at HNHS Phase VII Scheme in Hosur Village, Krishnagiri district and to quash the letter No.HR11/3829/2015 dated 03.01.2017 issued by the 3rd respondent in respect of HIG-I-11 at Phase VII in Hosur, Krishnagiri District and consequently direct the respondents 3 and 4 to accept the balance reduced cost of house from the petitioner and execute the sale deed and register the same in favour of the petitioner within the time to be stipulated by this Court.

2. It is the case of the petitioner that he has applied for allotment of HIG-I house measuring about 288 sq. metre plot area and 414.28 sq. metre plot area and 84.50 sq. metre plinth area and a sum of Rs.4,60,000/- was paid to the Tamil Nadu Housing Board vide DD. bearing No.033854 dated 26.11.2015. The petitioner was allotted a house bearing No.HG-I – 11 and the tentative cost of the same is Rs.92,11,000/- and the 4th respondent sent a allotment order to the petitioner on 08.06.2016 demanding the remaining house cost. At request of the petitioner, the 3rd respondent on 26.11.2015 have further reduced the cost of house at Rs.74,75,000/- from Rs.1,22,20,000/-. Subsequently, the 3rd respondent by a communication dated 03.01.2017 cancelled the allotment of HIG-I-11 which was allotted to the petitioner stating that he has failed to pay 5% of the cost within 21 days and



the 4th respondent has issued a notification on 03.06.2018 for sale of 47 plots including the plot which was allotted for the petitioner. Challenging the said notification and the cancellation order, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that originally the plot was allotted to the petitioner, for which, initially the petitioner has paid a sum Rs.4,60,000/-. Without intimating the decision of reducing the cost of house and also before the date of expiry of installments and also without exercising the option of charging interest for the delayed payment, the cancellation of allotment made by the 3rd respondent is bad in law and highly arbitrary. Even today, the petitioner is ready to pay the entire balance amount, which was fixed by the 3rd respondent. Hence, this Court may set aside the impugned order and allow this petition.

4. The learned Standing Counsel appearing for the respondents submitted that admittedly the allotment order has been made in favour of the petitioner in the year 2016 and paid application fees. The respondents have mentioned certain terms and conditions in the notification. However, the petitioner has not complied with the same. Hence, the respondents had rightly



taken a decision to conduct public auction for the sale of the houses, which cannot be interfered with.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel and perused the materials available on record.

6. The facts of the case are not in dispute. Admittedly, the petitioner made an application along with Rs.4,60,000/- for allotment of the HIG-I plot. Pursuant to which, the allotment order was passed by the respondent on 31.06.2016 in favour of the petitioner. It is also an admitted fact that as per the condition, the petitioner has not paid 5% of cost within 21 days from the date of allotment order. However, the petitioner has not complied with the same. However, while admitting the writ petition, this Court granted status quo on condition that the petitioner is directed to pay a sum of Rs.40/- lakhs and the same has also not complied with. In the light of the above facts and circumstances of the case, this court is of the considered view that there is no reason to interfere with the impugned order and the writ petition is also liable to be dismissed.

7. In the result, the Writ Petitions are dismissed. No costs. However,



liberty is granted to the petitioner to participate in the public auction. The respondents are directed to return the amount to the petitioner which was already paid by him. Consequently, connected miscellaneous petitions are closed.

09.09.2024

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To

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M.DHANDAPANI,J.

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W.P.Nos.23076 and 23077 of 2018

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