



WEB COPY

W.P.No.13244 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.13244 of 2024
and
W.M.P.No.14384 of 2024

Saraswathi Babu

.. Petitioner

vs

1.The Managing Director,
Tamilnadu Housing Board
E&C Market Road, Koyambedu,
Chennai – 107.

2.The Executive Engineer cum Administrative Officer,
Tamilnadu Housing Board,
Thirumazhisai Satellite Town Division,
C-48, 2nd Avenue, Anna Nagar,
Chennai – 40.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records in connection with the impugned order in Letter No.Thi.thu.ko.na.ko/A1/093/93 dated 18.04.2024 passed by the 2nd respondent and to quash the same and further direct the respondents to fix the final cost and to execute the sale deed in favour of the petitioner as per the allotment order.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.D.Veerasekaran
Standing Counsel

ORDER

The petitioner challenges the order passed by the Executive Engineer cum Administrative Officer, Tamil Nadu Housing Board / R2 dated 18.04.2024. She seeks a further direction to the respondents to



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fix a final cost for the flat assigned to her under LIG category in LIG No.73, subsequently changed to LIG No. 82, vide proceedings of respondents dated 04.12.1992 under hire-purchase basis.

2. In the counter filed by R2, they have at paragraph 14, stated as follows:-

"14. I respectfully submit that the LAOP No.273/1991 (new LAOP NO.09/2015) before the Special Court for LAOP Cases, Thiruvallur District is pending and the next hearing on 22.07.2024. Hence the L.A.O.P case is still pending, the final cost of the Sevvapet scheme was not finalized so far.

As a regular intimation to collect the outstanding amount from all the allottees for the said sevvpet scheme, the 2nd respondent office has sent the letter dated 18.04.2024 to pay the outstanding amount of Rs.7,74,419/- within 17.05.2024 and execute the sale deed. Hence, the writ petitioner may either chose to wait till the disposal of the said L.A.O.P case or may pay the outstanding amount of Rs.7,74,419/- and execute the sale deed."

3. The stand of the respondents is to the effect that the amount cannot be quantified to the satisfaction of the petitioner till such time, the LAOP is decided. They have offered an option to the petitioner either to remit the outstanding amount as called for under the impugned order without awaiting for disposal of LAOP or await disposal of the LAOP. There is thus nothing untoward in the impugned order seen, and in light of, and read in tandem with the contents of paragraph 14 of counter dated 22.07.2024 filed by R2.

4. This Court makes it clear that, should the petitioner avail the second option of remitting higher amount even pending disposal of



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LAOP, such payment would be received recording the protest of the petitioner and excess, if any, found to have been paid, will be subject to the decision in LAOP. That is to say, if there is any reduction in the amount per order of the land acquisition court, as and when delivered, then such amount would be repaid to the petitioner along with interest. Let the LAOP of the year 1991 be decided within four months from date of receipt of this order.

5. This writ petition is disposed in terms of this order. No costs. Connected miscellaneous petition is closed.

29.07.2024

Index:Yes/No

Neutral Citation:Yes

ssm

Note : The Special Court for LAOP Cases,
Thiruvallur District court for necessary action.

To

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DR. ANITA SUMANTH,J.

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