



W.P.No.18159 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

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

W.P.No.18159 of 2021

H.Kirubakaran

... Petitioner

-Vs-

1.The Executive Engineer,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam,
Chennai-600 101

2.The Manager, Sales and Service,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam,
Chennai-600 101

3.The Superintendent,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam,
Chennai-600 101

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records in letter No.Anna Nagar Division : 3-II-3/9221/2021, dated 26.04.2021 on the file of the 2nd respondent and quash the same and to direct the 1st respondent to confirm the allotment vide letter



W.P.No.18159 of 2021

No.A.Na.Ko.II/9221/2021 dated 26.02.2021 in the name of the petitioner.

For Petitioner : Mr.M.Vasanthakumar
For Respondents : Mr.Veerasekaran,
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 26.04.2021, thereby cancelled the allotment order dated 26.02.2021.

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

3. The first respondent invited applications from general public for allotment of residential land at Manali Phase-I (EWS) by draw. Accordingly, the petitioner made an application with required EMD on 05.02.2021. The petitioner was allotted a vacant land plot bearing No.5/511 at Manali Phase-II in the draw that was conducted by the first respondent on 26.02.2021 on condition that the petitioner shall have to pay the balance amount of Rs.2,75,500/- within a period of thirty days,



W.P.No.18159 of 2021

i.e., on or before 31.03.2021. However, the petitioner was not able to pay the said amount and made request for extension of time by a communication dated 11.03.2021. The said request was rejected by an order dated 26.04.2021 and also the allotment order was cancelled. Hence, this writ petition.

4. As per the allotment order, if the petitioner could not pay the said amount on or before 31.03.2021, he is liable to pay interest as fixed by the respondents. If the request made by the petitioner for extension of time is rejected, he is liable to pay interest. However, the respondents rejected the request made by the petitioner for extension of time and also cancelled the allotment order itself.

5. A perusal of the counter filed by the respondents reveals that pursuant to the cancellation of the allotment order, the said house plot was allotted in favour of one K.Saraswathy by an order dated 22.07.2021. The allottee has also paid the entire cost of the plot on 30.07.2021. He further submitted that in fact, the petitioner submitted a representation on 05.07.2021 for re-allotment of the said plot and the



W.P.No.18159 of 2021

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said request was rejected by an order dated 24.08.2021 itself on the ground that the plot was allotted in favour of one K.Saraswathy on 22.07.2021 itself.

6. Thus, the contention cannot be accepted since the allotment, which was originally ordered in favour of the petitioner, was cancelled without any reason. If at all the petitioner could not pay the balance amount, even as per the allotment order, he is liable to pay the interest. On this sole ground, the impugned order cannot be sustained and it is liable to be quashed.

7. Accordingly, the impugned order passed by the second respondent dated 26.04.2021 is hereby quashed. The petitioner is directed to pay the balance amount with interest as fixed by the respondents within a period of four weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to register the sale deed as per the allotment order in favour of the petitioner.



W.P.No.18159 of 2021

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7. With the above direction, this Writ Petition stands

allowed. No costs.

18.04.2024

Internet : Yes

Index : Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

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To

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W.P.No.18159 of 2021

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.18159 of 2021

18.04.2024