



W.P.No.12573 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.12573 of 2021

and

W.M.P.Nos.13373 and 13374 of 2021

K.Rajendran

... Petitioner

Vs

1. The Chairman,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai – 600 035.
2. The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai – 600 035.
3. The Executive Engineer & ADO,
Thirumazhisai Satilite Town Division,
Tamil Nadu Housing Board,
No.792, TKSPM Towers,
Trunk Road, Poonamallee,
Chennai – 600 056.



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4. The Manager (Sale & Maintenance),
Thirumazhisai Satilite Town Division,
Tamil Nadu Housing Board,
No.792, TKSPM Towers,
Trunk Road, Poonamallee,
Chennai – 600 056.

5. The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, George Town,
Chennai – 600 003.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the production of entire records relating to the order of the second respondent dated 26.12.2019 in Thi.Thu.Ko.Na.No.A3/7138/94 and to quash the same and consequently direct the respondents to register and deliver the sale deed in favour of the petitioner pertaining to LIG allotment at No.850, LIG II Kaakalur Housing Unit, Thittapagudhi, Tamil Nadu Housing Board, Thiruvallur.

For Petitioner : Ms.P.Lalitha Priya

For Respondents : Mr.D.Veerasekaran,
Standing Counsel (for R1 to R4)

Mr.E.Vijay Anand,
Additional Government Pleader (for R5)



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ORDER

This Writ Petition has been filed challenging the order dated 26.12.2019, whereby the second respondent cancelled the revocation of the allotment order on condition that the petitioner shall pay a sum of Rs.9,51,162/-.

2. The petitioner had applied for availing a house before the respondents/Housing Board under the Scheme of Thanniraivu Housing Allotment Kakkalur for LIG Flat situated at Block No.2, Plot No.850 LIG-II, Kakkalur Housing Unit, Thittapagudhi, Tamil Nadu Housing Board, Thiruvallur, Thiruvallur District. The petitioner had deposited a sum of Rs.10,350/- and further a sum of Rs.373/- by way of Demand Draft towards monthly installment which was paid. The petitioner was handed over the possession of the plot along with the allotment order. However, the petitioner committed default in payment of monthly installments. Therefore, the allotment order was cancelled as per the terms and conditions of the agreement dated 13.07.1996. Even then, the petitioner has come forward to pay the balance amount and he had kept quiet till 2011. Thereafter, the



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petitioner made a representation to the fourth respondent for execution of sale deed without making any payment. On the said request, he requested to cancel the revocation of allotment order and informed to the petitioner by communication dated 24.11.2014 to pay the due amount of Rs.15,76,139/- including 50% of market value and other charges. However, the petitioner failed to pay the said amount and as such, the cancellation was confirmed and the same was informed to the petitioner by communication dated 16.03.2015.

3. Thereafter, though the petitioner had paid some amount, there was due in respect of 50% of market rate and the revocation fee had been worked out at Rs.9,51,162/- and the same was duly informed to the petitioner on 26.12.2019. However, the petitioner failed to comply with the said order and once again, the allotment order was cancelled by the fourth respondent and the same was duly communicated to the petitioner by communication dated 10.07.2020, it was duly received by the petitioner on 21.07.2020. In view of the above, the prayer sought for in this Writ Petition has become infructuous.



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4. Accordingly, this Writ Petition is dismissed as infructuous.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Index:Yes/No

Neutral Citation/Yes/No

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G.K.ILANTHIRAIYAN, J.

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