



W.P.No.19786 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.19786 of 2021
and
W.M.P.No.21062 of 2021

Lovelin Mary

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandhanam,
Chennai – 600 035.
2. The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Board,
Coimbatore Housing Unit,
Tatabad, Coimbatore.
3. The Manager, Sales and Service,
Office of the Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Coimbatore Housing Unit,
Tatabad, Coimbatore.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 15.07.2021 in Letter No.A3/8359/2008 of the third respondent herein and letter dated 09.08.2021 in Letter No.A3/8359/2008 of the third respondent, quash the same and consequently direct the third respondent to execute the sale deed in favour of the petitioner in respect of the house bearing House No.HIG 43 at Vellakinar Phase II State II Scheme, Coimbatore.

For Petitioner : Mr.C.Santhosh Kumar
for Mrs.AL.Ganthimathi,
Senior Counsel

For Respondents : Mr.D.Veerasekaran,
Standing Counsel

O R D E R

This writ petition has been filed challenging the orders passed by the third respondent dated 15.07.2021 and 09.08.2021, thereby, the third respondent cancelled the allotment of house site and cancellation order of condition that the petitioner shall pay a sum of Rs.41,13,200/- on 09.08.2021 along with installments charges on or before 04.09.2021.



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2. The petitioner was originally allotted HIG house bearing No.HIG 43 at Vellakinar Phase II, State II Scheme, Coimbatore under self financing scheme on 06.05.2010. The tentative cost of Rs.20,89,000/- for the house plot measuring an extent of 2,325 sq.ft. The petitioner had made initially deposit of 10% of the tentative cost of Rs.2,09,000/- and thereafter, the petitioner had paid a sum of Rs.1,04,500/- along with the application and hence, the petitioner was called upon to pay a further sum of Rs.1,04,500/- within a period of 21 days from the date of receipt of that order. Further, the petitioner was issued with provisional allotment order dated 10.05.2010. Pursuant to the said allotment, he was also deposited the balance amount of Rs.1,04,500/- on 04.06.2010. However, the petitioner failed to pay the subsequent installments as per the conditions. Therefore, the second respondent by communication dated 30.12.2010, thereby demanded the petitioner to pay balance amount. However, the petitioner failed to pay the balance amount and as such, the respondents had sent another letter dated 11.09.2013 to the petitioner to pay the balance amount and once again, the respondent officials another letter dated 28.07.2015 to



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remit the balance outstanding amount of Rs.29,21,137/-. The final notice was sent to the petitioner on 14.03.2019, thereby demanded a sum of Rs.38,80,402/- payable by the petitioner otherwise the allotment order will be cancelled. However, the petitioner failed to pay the said amount and stating that so many reasons such as no pathway and there is hindrance on the front side of the plot. Further, notice was also sent to the petitioner on 27.02.2020, thereby, the respondents directed to pay outstanding amount of Rs.36,71,402/-. However, the petitioner did not come forward to pay the said amount. Therefore, the impugned order dated 15.07.2021 passed by the third respondent and the same was cancelled. Thereafter, the petitioner made request to the third respondent and on considering the said request made by him, the third respondent by order dated 09.08.2021 informed that the petitioner to pay a sum of Rs.41,13,200/- as on 09.08.2021 and also to pay a sum of Rs.3,500/- towards revocation charges on or before 04.09.2021. Without complying the said condition, the petitioner approached this Court.



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3. The learned Senior Counsel appearing for the petitioner submitted that now the petitioner is ready and willing to pay the entire amount along with interest.

4. The learned Standing Counsel for the respondents would submit that as on 24.04.2024 there is due amount of Rs.47,72,937/- and installments charges.

5. Considering the above facts and circumstances, if the petitioner pays a sum of Rs.47,72,937/- along with other installments charges within a period of six weeks from the date of receipt of a copy of this order, the respondents are directed to receive the same and execute the sale deed in favour of the petitioner. If the petitioner fails to pay the said amount, the respondents are at liberty to proceed with the property in accordance with law.



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6. With the above directions, this Writ Petition is disposed of.

Consequently, the connected Miscellaneous Petition is closed. No costs.

26.04.2024

Index:Yes/No

Neutral Citation/Yes/No

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To

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G.K.ILANTHIRAIYAN, J.

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