



W.P.No.21909 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.07.2024

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.21909 of 2024
& WMP.No.23896 of 2024

A.Padhmini

.... Petitioner

Vs

1.The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai-600 035.

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

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records connected with impugned order in letter No.J.J.A3/1276/1994 dated 28.06.2024 passed by the 2nd respondent and quash the same as illegal, consequently direct the respondents to receive the partial amount of Rs.10,00,000/- from the petitioner as per market value of the plot No.1276, Tamil Nadu Housing Board, Ayapakkam, Tiruvallur-600077 and grant six months time to pay the rest of the amount as fixed by the respondents.



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W.P.No.21909 of 2024

For Petitioner : Mr.S.Mohamed Ansar

For Respondents : Mr.S.Naganathan
for Mr.D.Veerasekaran

ORDER

Mr.S.Naganathan, learned counsel on behalf of Mr.D.Veerasekaran, learned counsel accepts notice for the respondents and is armed with instructions to enable a final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner has challenged impugned order dated 28.06.2024 ordering eviction of the petitioner. She had earlier approached this Court in W.P.No.161 of 2020 challenging order dated 02.12.2019 passed by the Manager Sales cum Service, Tamil Nadu Housing Board/R2 in that Writ Petition.

3. That Writ Petition was dismissed on 24.04.2024 in terms of the following order:

'This Writ Petition has been filed challenging the order dated 02.12.2019 on the file of the second respondent, thereby, the second respondent dismissed the request made by the petitioner to re-consider the order of cancelling the allotment.

2. The petitioner had died and his legal heirs have been brought on record as the first to third petitioners herein. The petitioner (since deceased) was allotted a plot ad-measuring an extent of 600 sq.ft in Plot No.1276, by allotment letter dated 02.12.1994. The total sale consideration was fixed at Rs.17,400/- and the petitioner was paid initial amount of at Rs.1,530/-. The remaining amount has to paid by installments at Rs.175/- per month for a period of 20 years. Thereafter, the deceased petitioner had



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constructed a house and was residing there. However, thereafter, he failed to pay any installment. Therefore, the allotment was cancelled by order dated 31.05.1996. However, the petitioner was given final chance to clear the demand of Rs.11,600/- on or before 30.09.2002 to revisit the revocation of the allotment. A representation dated 02.06.2004, submitted by the petitioner, was forwarded to the Board with a request to place the proposal for revocation of the cancellation to the revocation committee. Accordingly, by proceedings dated 11.02.2005, necessary proposal was sent and after prolonged deliberations, the petitioner was informed that the allotment was at plot No.LIG I 1276, Ambattur Phase I & II, was cancelled for default of monthly installments which could not be revoked by the communication dated 28.06.2006.

3. That apart, the petitioner was informed to pay a sum of Rs.25,84,000/- as market value of the property towards revocation of the cancellation of allotment order by the communication dated 30.07.2019. However, the petitioner did not come forward to pay the said amount. Subsequently, the petitioner was informed to vacate the plot within a period of 30 days. Thereafter, the petitioner made another representation dated 22.10.2019 with a request to the respondents to receive a sum of Rs.15,870/- and register a sale deed in his favour. It was rejected by the order impugned in this Writ Petition. That apart, as of now, the total cost of the plot comes around Rs.44,76,231/-. Therefore, this Court finds no infirmity or illegality in the order passed by the second respondent and the Writ Petition is devoid of merits and it is liable to be dismissed.

4. In the result, this Writ Petition is dismissed. The respondents are at liberty to proceed as against the petitioners in accordance with law. Consequently, the connected Miscellaneous Petition is closed. No costs.'

4. The Writ Court has concluded that the total cost of the plot was Rs.44,76,231/- and there was no illegality or infirmity in the order passed by the



W.P.No.21909 of 2024

second respondent in calling for remittance of that amount or in the alternative, eviction of the petitioner.

5. To be noted, the facts in relation to the allotment made on 02.12.1994 and the factum of substantial defaults in payments have been captured in the Writ order dated 24.04.2024 at paragraphs 2 and 3. Those facts are undisputed by the petitioner and order dated 24.04.2024 has also attained finality.

6. Till date, there are substantial outstandings towards the cost of the plot. That apart, the petitioner was given time vide communication dated 30.07.2019 for repayment of the amount, to which also there has been no response. Learned counsel for the petitioner would now seek six more months to pay the amount in instalments.

7. This Writ Petition is found to be wholly misconceived for several reasons. Firstly, the order of the writ Court dated 24.04.2024 has attained finality and as has the computation of the sale amount thereunder. In such circumstances, there can be no challenge to the quantification of the balance sale consideration.

8. Secondly, the petitioner has, admittedly, not paid a significant portion of the sale consideration and hence, there is nothing untoward or illegal in the proceedings now initiated against her seeking repayment or in the alternative



W.P.No.21909 of 2024

eviction. The petitioner cannot be seen to be merely, and repeatedly approaching this Court seeking an extension of time for payment.

9. Thirdly, this is not a forum for negotiation or bargain by the petitioner. The very same cause was put forth in W.P.No.161 of 2020, which has been found to contain no merit and dismissed and that order has also not been challenged.

10. For the aforesaid reasons, this Court finds that this Writ Petition is wholly devoid of merit and is, in fact, an abuse of process of this Court and hence the same is dismissed in limine. No costs. Connected Miscellaneous Petition is also dismissed.

31.07.2024

Index : Yes / No

Speaking order: Yes

Neutral citations: Yes

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W.P.No.21909 of 2024

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W.P.No.21909 of 2024
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