



WEB COPY



W.P.No.24299 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 05.06.2024

Pronounced on : 12.06.2024

CORAM:

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

W.P.No.24299 of 2022 and

WMP.No.23287 of 2022

S.Mohamed Dhurabudeen

... Petitioner

Vs.

- 1.The Principal Secretary to the Government of Tamilnadu,
Housing and Urban Development Department,
Fort St.George,
Chennai 600 009
- 2.Allottees Service Manager,
Sites and Services Division-II,
Tamil Nadu Housing Board,
Housing Board Complex,
Anna Nagar,
Chennai 60 040
- 3.The Executive Engineer,
Sites and Services Division-II,
World Bank Circle,
Tamil Nadu Housing Board,
Housing Board Complex,
Anna Nagar,
Chennai 600 040
- 4.The Executive Engineer & Administration Officer,
Tamilnadu Housing Board,
Thirumangalam Shopping Complex,
Chennai 600 101
- 5.The Manager,
Marketing and Service,
Anna Nagar Division,



W.P.No.24299 of 2022

Tamilnadu Housing Board,
Thirumangalam,
Chennai 600 101

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the impugned communication in A.Na.No.I.3/5621/96 dated 23.03.2022 on the file of the fifth respondent, quash the same and consequently to direct the fifth respondent to execute sale deed in favour of the petitioner on payment of the demand.

For Petitioner : Mr.M.Mubarak Ahmad
for M/s.Ahmad Associates

For Respondents
For R1 : Mr.S.Arumugam,
Government Advocate

For R2 to 5 : Mr.D.Veerasekaran,
Standing Counsel

ORDER

This writ petition has been filed challenging the order passed by the fifth respondent dated 23.03.2022 thereby rejected the request made by the petitioner to revoke the order of cancellation of allotment.

2. The respondents notified Housing Plot Allotment Scheme as



W.P.No.24299 of 2022

Manali Phase-I Scheme. The petitioner had applied for allotment and he was allotted HIG3/301. Accordingly, the petitioner was directed to pay monthly instalment of Rs.6,492/- for a period of 120 months. Subsequently, by the communication dated 28.08.1996, it was informed that the period of payment cannot be extended beyond 60 months and a sum of Rs.6,860/- to be paid by 60 months. Accordingly, the petitioner was issued allotment order and allotted plot No.2/386 valued at Rs.83,400/- payable for 60 months by equated monthly instalments at Rs.862/-. The petitioner paid a sum of Rs.52,085/-. Thereafter, the petitioner committed default and as such, the allotment order was cancelled on 17.08.2010. Therefore, the petitioner made request for revocation of cancellation of allotment order. The request of the petitioner was considered and revoked the cancellation of allotment order by the communication dated 17.04.2013 on condition that the cost of the plot fixed at Rs.2,07,365/- with penalty at 50% on fixed cost as per the Revocation Committee Order and fee for cancellation of revocation, in total Rs.3,14,048/-. However, the petitioner failed to comply with the said conditions. After sleeping over the matter for several years, in the year



W.P.No.24299 of 2022

2022, the petitioner made another representation seeking revocation of order of cancellation. It was rejected by the order dated 23.03.2022.

3. The learned counsel for the petitioner would submit that as per the communication dated 28.04.2005, the fourth respondent demanded only a sum of Rs.3,400/- towards the balance amount payable by the petitioner. However, the petitioner failed to comply with the said order. Now, all of sudden, the respondents demanded a sum of Rs.5,83,000/- to revoke the order of cancellation of allotment.

4. Heard, the learned counsel appearing on either side.

5. On perusal of the counter as well as the status report filed by the respondents and also on hearing the submissions made by the learned Government Advocate and the learned Standing Counsel appearing for the respondents, revealed that plot No.2/386 (LIG-I) at Manali Phase-I to an extent of 420 sq.ft. was allotted to the petitioner on 30.10.1996. Due to non payment of monthly instalments, allotment order



W.P.No.24299 of 2022

WEB COPY

was cancelled as early as on 17.08.2010. On receipt of the representation from the petitioner to revoke the cancellation order, it was placed before the seventh Revocation Committee. It considered and resolved to revoke the cancellation of allotment order with terms and conditions. Accordingly, the petitioner was directed to pay a sum of Rs.3,08,048/- with Rs.3,000/- towards revocation fee within a period of two months. However, the petitioner failed to comply with the same. Therefore, the request made by the petitioner in the year 2022 was rightly rejected by the fifth respondent. Hence, this Court finds no infirmity or illegality in the order passed by the fifth respondent. As such, this writ petition is devoid of merits and liable to be dismissed.

6. However, if the petitioner is prepared to pay the present guideline value of the subject property i.e. plot No.2/386 (LIG-I) at Manali Phase-I to an extent of 420 sq.ft. with interest from the date of arrears, the fifth respondent is directed to accept the same and execute sale deed in favour of the petitioner.



W.P.No.24299 of 2022

7. With the above direction, this writ petition is dismissed.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

12.06.2024

Neutral Citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order
lok



W.P.No.24299 of 2022

WEB COPY

To

- 1.The Principal Secretary to the Government of Tamilnadu,
Housing and Urban Development Department,
Fort St.George,
Chennai 600 009
- 2.Allottees Service Manager,
Sites and Services Division-II,
Tamil Nadu Housing Board,
Housing Board Complex,
Anna Nagar,
Chennai 60 040
- 3.The Executive Engineer,
Sites and Services Division-II,
World Bank Circle,
Tamil Nadu Housing Board,
Housing Board Complex,
Anna Nagar,
Chennai 600 040
- 4.The Executive Engineer & Administration Officer,
Tamilnadu Housing Board,
Thirumangalam Shopping Complex,
Chennai 600 101
- 5.The Manager,
Marketing and Service,
Anna Nagar Division,
Tamilnadu Housing Board,
Thirumangalam,
Chennai 600 101



WEB COPY



W.P.No.24299 of 2022

G.K.ILANTHIRAIYAN, J.

lok

W.P.No.24299 of 2022

12.06.2024