



WEB COPY



W.P.No.26659 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.26659 of 2024

and

W.M.P.No.29179 of 2024

A.Balakumaran

... Petitioner

Vs.

1.Manager – sales and service,
Anna Nagar Division,
Tamilnadu Housing Development Board,
Thirumangalam,
Chennai – 600 101.

2.Executive Engineer and Administrative Officer (incharge),
Anna Nagar Division,
First floor, Housing Board,
Commercial Complex,
Thirumangalam,
Chennai – 600 101.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India
pleaded to issue a Writ of Certiorari, to call for the record of the
impugned order of respondent dated 03.07.2024 vide
AN.No.113/3613/12 and quash the same.



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For Petitioner : Mr.M.T.Arunan

For Respondents : Mr.D.Veerasekaran

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorari, to call for the records of the impugned order of respondent dated 03.07.2024 vide AN.No.113/3613/12 and quash the same.

2. Mr.D.Veerasekaran, learned counsel, accepts notice on behalf of the respondents. In view of the consent expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that, on 08.10.2012, Flat No.AA1, A Block, M.K.B.Nagar, Vyasarpadi, Chennai – 600 039 measuring to an extent of 783 sq.ft. was allotted to the petitioner's father for a total sum of Rs.33,55,000/- by the respondent through "Lottery Method". As per the agreement mentioned in the allotment, he was informed to deposit



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monthly installment of Rs.27,930/- for the total period of 10 years on the basis of Rs.13,42,000/- deposit initially. The petitioner had taken possession of the flat in the month of August, 2015 by paying a sum of Rs.13,42,000/- as deposit and continued to pay Rs.27,930/- from December 2015 to February 2024 in 10 installments totally Rs.19,79,955/- without any default. Due to covid-19 pandemic situation, the petitioner committed default from April, 2020, however, he paid 2 installments of Rs.72,930/- in each installments till December 2023. Totally, the petitioner had paid a sum of Rs.19,79,955/- and the due payable by the petitioner is Rs.13,75,045/-. However, without any prior notice, the 2nd respondent passed the impugned order dated 03.07.2024 to evict the petitioner. Challenging the same, the present writ petition is filed.

4. Learned counsel for the petitioner submits that, pursuant to the impugned order, the petitioner had made a representation dated 13.08.2024 before the respondents to provide him opportunity to make full settlement, however, the same was not considered. Hence, on instructions, he submitted that, it would suffice, if this Court issues a



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direction to the respondents to consider the petitioner's representation, dated 13.08.2024 and pass appropriate orders, within a specified period.

5. Considering the limited request sought for by the learned counsel for the petitioner, this court, without interfering with the impugned order, directs the respondents to consider the petitioner's representation dated 13.08.2024 on merits and in accordance with law and pass appropriate orders, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

13.09.2024

Index : Yes / No
Speaking order / Non-speaking order
NCC:Yes/No
sp



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M.DHANDAPANI, J.

sp

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