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W.P.No.28194 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28194 of 2022

S.Abdul Basha
S/o.S.E.Sheik Sulaiman

... Petitioner

Vs.

1.The Assistant Revenue Officer,
Special Project Division-I,
Tamil Nadu Housing Board (TNHB),
C-48, 1st Floor,
2nd Avenue, Anna Nagar,
Chennai - 600 040.

2.The Executive Engineer & ADO,
Special Project Division-I,
Tamil Nadu Housing Board (TNHB),
C-48, 1st Floor,
2nd Avenue, Anna Nagar,
Chennai - 600 040.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to receive the balance amount of Rs.1,47,256/- towards the allotment of Plot No.MIG-183 and to execute the sale deed in favour of the petitioner.



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For Petitioner : Mr.R.Malaichamy

For Respondents : Mr.D.Veerasekaran

ORDER

The petitioner seeks innocuous prayer for a direction to the respondents to receive the balance amount of Rs.1,47,256/- towards the allotment of Plot No.MIG-183 and to execute the sale deed in favour of the petitioner.

2. The learned counsel appearing for the petitioner submitted that the petitioner applied for allotment of MIG Plot under Hire Purchase Scheme at Kilmudalambedu Phase-II Scheme and he has been selected for allotment of Plot No.183 under the above said scheme. Therefore, the petitioner has paid a sum of Rs.1,27,400/- as initial deposit and has also paid as sum of Rs.3,53,444/- towards the cost of Rs.5,00,700/-. Thereafter, the petitioner approached the respondents on many occasions and made attempt to pay the balance amount of Rs.1,47,256/- towards the allotment of plot and requested to execute the sale deed in favour of him, but the



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respondents did not receive the balance amount as well as failed to execute the sale deed. Hence, the present writ petition has been filed.

3. The learned counsel for the respondents / Housing Board has filed a detailed counter affidavit stating that on verification of payment records of the petitioner, it is seen that some of the payments made by the petitioner are not reflected in the records of the respondent's office. The Audit has found that there was misappropriation of payment received from the allottees of Kilmudalampedu Phase-I Scheme by the staff of the Division Office, for which, a criminal proceedings has been initiated and disciplinary action was taken against the erring officials. As per records of the respondents, the petitioner has paid initial deposit of Rs.1,27,400/- on 19.04.2011 and monthly payment of Rs.1,20,686/- only for 33 EMI's instead of 78 EMI's till 30.09.2023. As such, he is liable to pay penal interest for 45 unpaid instalments and the petitioner ought to pay upcoming 18 instalments for completing 96 instalments as per the allotment order. As such, the petitioner is liable to pay outstanding of Rs.5,20,660/- including



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45 unpaid instalments and upcoming 18 instalments as on 30.09.2023. On such payment, the sale deed could be executed in favour of the petitioner.

4. Considering the submissions made by the learned counsel appearing for the respondents / Housing Board, this Court directs the petitioner to pay the amount due by him to the respondents / Housing Board, i.e., Rs.5,20,660/- which was outstanding as on 30.09.2023 and along with interest accrued till date within a period of four weeks from the date of receipt of a copy of this order. On receipt of the payment, the second respondent is directed to execute the sale deed in favour of the petitioner within a period of four weeks thereafter.

5. With the above direction, this Writ Petition is disposed of. No costs.

12.08.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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