W.M.P.Nos.30380 & 32996 of 2023
in
W.P.No.22109 of 2023
and
W.M.P.No.21516 of 2023

Dr.ANITA SUMANTH, J.

These petitions are filed to vacate order dated 26.07.2023. The restraint placed on the respondents is at paragraph 5, as follows:-

> *"5.The respondents are restrained from taking any precipitate action pursuant to the notice now issued since the order now sought to be complied with is conditioned upon the 2nd respondent making certain payments to the petitioner."*

2. The officials respondents i.e., R1 to R3 have filed a counter dated 25.09.2023, wherein they have computed the amount refundable by them to the petitioner at a sum of Rs.32091/-. The tabulation is as follows:-

S.No	Date	Receipt	Amount
1	19.12.1995	43975 - Penal charges	Rs.4000
2	19.12.1995	43976 - 1st installment	Rs.1,210
3	19.12.1995	43977 - Total sale consideration / Land cost	Rs.10,890/-
Total			Rs.16.100
Interest for the period 19.12.1995 to 31.12.2006 at the rate of 9% PA			Rs.15,991/-
Grand Total			Rs.32,091

3. The petitioner makes two objections today:-

(i) that the quantum is incorrect insofar as while the principal paid by the petitioner has been correctly set out at Sl. Nos. 1 to 3 of the tabulation above, the interest ought to have been computed till the date dismissal of SLP by the Hon'ble Supreme Court which was only in 2022. To this, respondent counsel would state that the amount had been quantified and sent to the petitioner immediately after passing of order in Writ Appeal, which is dated 06.09.2006. However, cheque dated 28.12.2006 sent through RPAD on the same date was returned as 'unclaimed' and hence there could be no further liability mulcted on the respondents.

(ii) The second objection raised by the petitioner is that a Review Application is pending before the Hon'ble Supreme Court. However, Review Application is stated to have been filed on 24.11.2022, which was returned. It is unclear as to whether it has been re-presented and numbered. Learned counsel for petitioner does not have details immediately in this regard.

4. The order of allotment of Plot No. 25, Vivekanandar Street, Thirumoolar Colony, Anna Nagar West, Chennai has been set aside at all stages upto the Hon'ble Supreme Court. The respondents also confirm that they have not complied with the directions under order dated 26.07.2023. Upon condition that the respondents deposit a sum of Rs.50,000/- within a week from today

to the credit of this writ petition before the Registrar General, High Court, Madras, the restraint placed on them under order dated 26.07.2023 is vacated.

5. These miscellaneous petitions are allowed.

6. List the writ petition in due course.

08.01.2024

ssm

Dr.ANITA SUMANTH, J.

ssm

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08.01.2024

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in W.P.No.22109 of 2023
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Dr.ANITA SUMANTH, J.

This matter is listed today under the caption 'for being mentioned' at the instance of counsel for Tamil Nadu Urban Habitat Development Board.

2. Considering the submission made by counsel, paragraph 4 of order dated 08.01.2024 is modified as under:-

> "*4. The order of allotment of Plot No. 25, Vivekanandar Street, Thirumoolar Colony, Anna Nagar West, Chennai has been set aside at all stages upto the Hon'ble Supreme Court. The respondents also confirm that they have complied with directions under order dated 26.07.2023 i.e., cheque bearing No. 861767 dated 25.08.2023 for amount of Rs.32091/- has been given to the petitioner, who has encashed the same on 19.10.2023. Thus, upon condition that the respondents remit a sum of Rs.18,000/- within a week from today to the credit of this writ petition before the Registrar General, High Court, Madras, the restraint placed on them under order dated 26.07.2023 is vacated.* "

3. Barring the above said modification, order dated 08.01.2024 shall remain unaltered.

18.01.2024

ssm

Note to Registry : Issue corrected order copy.

Dr.ANITA SUMANTH, J.

ssm

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18.01.2024