



W.P.No.32002 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2024

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THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P.No.32002 of 2023

N.Arulmani

... Petitioner

Vs

1 Tamil Nadu Housing Board
Rep. by its Managing Director,
CMDA Complex, E & C Market Road,
Koyambedu, Chennai – 600 107.

2 The Superintending Engineer,
Tamil Nadu Housing Board,
Woodworks Unit, Thirumangalam,
Chennai – 600 078.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 12.09.2023 submitting regarding refund of excess money collected from the petitioner towards sale consideration of flat allotted to the petitioner in the Self-Supporting Scheme, TNHB, Woodworks Unit, Chennai 600 078 and pass final orders on the same on its merits and in accordance with law.



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For Petitioner : Mr.Balan Haridas
For Respondents : Mr.Pradeep Raja
for Mr.D.Veerasekaran
Standing Counsel

ORDER

The petitioner seeks a mandamus simplicitor directing the respondents, Tamil Nadu Housing Board and the officials of the Tamil Nadu Housing board to consider her representation dated 12.09.2023.

2. The petitioner has been allotted a flat in the self-supporting scheme of the Tamil Nadu Housing Board Woodworks Unit, Chennai – 600 078 and is aggrieved by the collection of consideration in excess of what had been collected from other co-allottees. She sought recovery of the excess amount paid by her.

3. Since the prayer is for a consideration of the representation and disposal on merits and since the adjudication of the representation would involve marshalling and assimilation of various facts, this exercise is best left to the Superintending Engineer of Tamil Nadu Housing Board, arrayed as R2. The apprehension expressed is that in the counter filed, R2 has already applied his mind to the representation and has found it unsuitable for acceptance.

4. Be that as it may, in light of various facts that have to be looked into and the fact that the petitioner must also be heard in person before



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the representation is disposed, mandamus is issued to R1 to approach the matter with an open mind de hors the contentions in the counter affidavit filed, hear the petitioner and any others, who may be deemed necessary, and dispose the representation dated 12.09.2023 on merits and in accordance with law within a period of eight (8) weeks from date of receipt of a copy of this order.

5. Liberty is granted to the petitioner to provide material in support of the prayer including instances in the case of co-allottes where the sale consideration is stated to have pegged at an amount less than the consideration collected from the petitioner.

6. This Writ Petition is disposed in the aforesaid terms. No costs.

10.07.2024

Index:Yes/No

Speaking order:Yes/No

Neutral Citation:Yes/No

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To

1.The Managing Director,
Tamil Nadu Housing Board
CMDA Complex, E & C Market Road,
Koyambedu, Chennai – 600 107.

2.The Superintending Engineer,
Tamil Nadu Housing Board,
Woodworks Unit, Thirumangalam,
Chennai – 600 078.



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Dr.ANITA SUMANTH,J.

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