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W.P.No.33670 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.33670 of 2023
and W.M.P.Nos.33513 to 33515 of 2023

Arvindan B
44/19, TNHB 222 Castle Flats
25th Street, Korattur
Chenna 600 080.

... Petitioner

Vs.

1.The Secretary to Government
Housing & Urban Development Department
Fort St. George, Chennai 600 009

2.The Managing Director
Tamil Nadu Housing Board
CMDA Building, E&C Market Road
Koyambedu, Chennai 600 107.

3.The Executive Engineer & Administrative Officer
Tamil Nadu Housing Board
Anna Nagar Division
Thirumangalam, Chennai 600 101

4.The Manager Marketing & Service
Tamil Nadu Housing Board
Anna Nagar Division
Thirumangalam, Chennai 600 101

5.The Assistant Revenue Officer



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Tamil Nadu Housing Board
Anna Nagar Division
Thirumangalam, Chennai 600 101

6.The Managing Director
Chennai Metropolitan Water Supply & Sewerage Board
No.1, Pumping Station Road
Chintadripet, Chennai

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the impugned order No.ANA.II.9/2764/2016 dated 15.10.2020 and consequential orders No.AN.II.9/3822/2015 dated 09.12.2020, ANA.II.9/2767/2016 dated 10.02.2023 issued by the 6th Respondent, ANA.II.9/2764/2016 dated 21.02.2023 of the 5th Respondent and ANA.II.9/2764/2016 dated 14.03.2022 of the 4th Respondent and quash the same as illegal and ultra vires and consequently direct the 4th Respondent to execute the sale deed in Petitioner's favour without insisting any additional cost and interest thereon over and above the total cost already paid by the Petitioner, as originally informed in the allotment order.

For Petitioner : Mr.V.Chandrsekaran

For Respondents : Mr.L.S.N.Hasan Fizal (for R1)
Additional Government Pleader
Mr.D.Veerasekaran (for R2 to R5)
R6 & R7 – No appearance

ORDER

This Writ Petition has been filed seeking to quash the impugned order



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No.ANA.II.9/2764/2016 dated 15.10.2020 and consequential orders No.AN.II.9/3822/2015 dated 09.12.2020, ANA.II.9/2767/2016 dated 10.02.2023 issued by the 6th Respondent, ANA.II.9/2764/2016 dated 21.02.2023 of the 5th Respondent and ANA.II.9/2764/2016 dated 14.03.2022 of the 4th Respondent and consequently direct the 4th Respondent to execute the sale deed in Petitioner's favour without insisting any additional cost and interest thereon over and above the total cost already paid by the Petitioner, as originally informed in the allotment order.

2. It is the case of the petitioner that he was allotted a flat No.L-44/19, 2nd Floor in 222 LG flats from the respondent Housing Board under Self Finance Scheme at Korattur Scheme through the lot conducted on 28.07.2016. The total cost of the flat Rs.28,65,000/- as fixed by the respondent and the same was paid by the petitioner as per the schedule fixed by the 4th respondent along with Corpus Fund of Rs.15,000/- and maintenance cost and the petitioner was handed over the above said flat along with key and EB Card on 30.01.2019 and occupied the said flat under the control of the petitioner. After 1 ³/₄ years of handing over of the flat, the respondent housing board raised an additional cost of Rs.3,25,000/- over and above 11.34% of the original cost paid by the



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petitioner and he has not paid the amount. Hence, the first respondent issued the impugned order for waiver of interest on the amount due from the allottees in order to register the sale deed by observing that about 21,561 allottees were not obtained sale deed despite instalment period was over. In the above G.O. About 1248 allottees have to be issued with sale deed in Anna Nagar Division alone, which is under the control of respondents 3 & 4 out of total 21561 allottees in various division. But the 4th respondent reluctant to accept the above Government order in respect of the petitioner's flat. The RTI applications and appeals made to the respondents 1 to 3 were silent and they have not come forward to respond it in this regard. Challenging the additional cost imposed on the flat by the first respondent, the present writ petition has been filed.

3. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner is ready to pay the additional cost within the reasonable time as fixed by this Court. Thereafter, this Court may direct the respondents to execute a sale deed in favour of the petitioner.

4. The learned Standing Counsel appearing for the respondents, on instructions, submitted that as on date, the total due is Rs.4,35,728/-. If the



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petitioner pays the said amount, the respondents have no objection to execute the sale deed in his favour within the reasonable time as fixed by this Court.

5. Heard the learned counsel for the petitioner and the learned Government Counsel and perused the materials available on records.

6. In view of the consent view expressed by the learned counsel for the petitioner and the respondents, this Court directs the petitioner to pay a sum of Rs.4,35,728/- (Rupees Four lakhs thirty five thousand seven hundred and twenty eight only) to the 4th respondent on or before 20.12.2024 without any default. Upon receipt of such payment, the 4th respondent shall execute the sale deed in respect of the subject property on or before 20.01.2025 without any delay.

7. With the above direction, the writ petition stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

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Note: Issue order copy on 02.12.2024



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