



W.P.No.34587 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.34587 of 2019

and

W.M.P.Nos.35331 & 35332 of 2019

A.Vasumathi

... Petitioner

Vs.

1. The Secretary to Government,
Tamil Nadu Housing and Urban Development Department,
Secretariat, Chennai - 600 009.

2. The Chairman and Managing Director,
Tamil nadu Housing Board,
No. 493, Anna Salai, Nandhanam,
Chennai - 600 035.

3. The Manager,
Marketing and Service,
O/o. Executive Engineer and Administrative Officer,
Tamil nadu Housing Board,
Vellore Housing Unit, Sathuvachari,
Vellore - 632 009.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for records of the 3rd respondent in their Letter No. A-3/5899/ 2008 dated 01.11.2019 issued for cancellation of allotment of HIG House situated at



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No. 166 at Tirupattur HIG phase-1, Tirupattur Taluk and District, and quash the same and direct the 3rd respondent to consider the petitioner's representation dated on 07.11.2019 for extension of time to pay the balance installments due within a reasonable time and issue statement of loan details.

For Petitioner : Mr.D.Jagadeesan

For Respondents : Mr.G.Krishna Raja,
Additional Government Pleader,
(for R1)

Mr.S.Silambanan,
Additional Advocate General-III,
assisted by Mr.D.Veenasekaran,
Senior Counsel for TNHB,
(for R2 & R3)

ORDER

The order, cancelling the allotment of HIG House situated at No. 166 at Tirupattur HIG phase-1, Tirupattur Taluk and District, allotted in favour of the writ petitioner is sought to be quashed in the present writ proceedings.

2. Considering the application, Tamil Nadu Housing Board, Vellore Housing Unit, allotted a housing plot along with a constructed house in HIG House situated at No. 166 at Tirupattur HIG phase-1, Tirupattur Taluk



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and District, to the petitioner.

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3. The petitioner was a defaulter in payment of monthly instalments.

As on 31.10.2019, the arrears of due to be settled by the petitioner to the Board was Rs.20,93,348/- (Rupees Twenty Lakhs, Ninety Three Thousand, Three Hundred, Forty Eight only). In view of the default committed by the petitioner, the Board cancelled the allotment made in favour of the petitioner. The petitioner has filed a writ petition and by virtue of the interim order granted, she is still in possession of the subject house.

4. The learned Council for the partitioner made a submission that the petitioner has already paid a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) in one lump sum on 01.11.2019 and she is ready and willing to settle the entire amount by way of instalments.

5. The learned Additional Advocate General, appearing on behalf of the respondent Board, contended that the petitioner has not paid any instalment after 2019 and therefore, she is not entitled for the relief. The Board calculated the dues on the petitioner as on date and it is a sum of Rs.52,80,533/- (Rupees Fifty Two Lakhs, Eighty Thousand, Five Hundred, Thirty Three only).



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6. If at all the petitioner is aggrieved from and out of the charging of any interest, she is at liberty to approach the competent Authorities for availing of any concession in the matter of waiver of interest. The Authorities, on submission of any such application shall consider for wavering of penal interest, enabling the petitioner to settle the entire amounts.

7. Since the petitioner is in possession of the house for the past many years and the Board may also take a lenient view by granting waiver of penal interest. The respondents are directed to waive the panel interest of Rs.11,60,615/- (Rupees Eleven Lakhs, Sixty Thousand, Six Hundred Fifteen only) and the petitioner is directed to pay the balance amount within a period of four (4) months from the date of receipt of a copy of this order.

8. On such payment of the entire dues, excluding the penal interest, the Board may execute the sale deed in favour of the writ petitioner. In the event of failure on the part of the petitioner in settling the dues, the Board may initiate all further actions in the manner known to law.



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9. In view of the above directions, the impugned order passed by the respondent Board in their Letter No. A-3/5899/ 2008, dated 01.11.2019, is quashed and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

05.01.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

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S.M.SUBRAMANIAM. J.,

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