



W.P(MD)No.7230 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7230 of 2024
and
W.M.P(MD)Nos.6674 & 6675

S.Eswari

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex, E & C Market Salai,
Koyembedu,
Chennai - 600 107.

2.The Executive Engineer,
Administrative Officer,
Madurai Housing Unit,
Ellis Nagar,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice issued by the second respondent in his



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proceedings Kaditham No.A3/7886/12 dated 26.02.2024 and quash the same as illegal.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.R.Sivakumar
Standing Counsel

ORDER

Heard both sides.

2.The petitioner was allotted the petition mentioned flat in the year 2013. The petitioner has to pay a sum of Rs.19,50,500/-. The petitioner made an initial deposit of Rs.7,80,200/-. The petitioner ought to have the paid monthly installment at the rate of Rs.13,840/-. The petitioner committed default. As a result the liability accumulated to Rs. 15,23,840/-. This does not include the penal interest of Rs.6,55,340/-.

3.According to the housing board, the petitioner must pay a sum of Rs.26,84,694/- to obtain pucca sale deed. Since the petitioner is in substantial arrears by the impugned communication dated 26.02.2024, she has been asked to vacate the house and hand over possession. It is challenged in this writ petition.

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4.These are not matters that has to be approached in a technical perspective. Admittedly, the petitioner has so far paid a sum of little more than Rs.10 Lakhs. She cannot be suddenly render homeless. She deserves to be given a breathing time.

5.The learned counsel appearing for the petitioner states that if penal charges can be waived, the petitioner would clear her liability immediately. These are not matters in which the Court can take a call. The petitioner can very well move the first respondent.

6.The learned counsel appearing for the petitioner states that the petitioner will file an appeal before the first respondent within a period of six weeks from the date of receipt of a copy of this order. The petitioner also gives further undertaking that within four weeks, she will pay a sum of Rs.5 Lakhs initially. If the petitioner remits Rs.5 Lakhs to the Housing Board within four weeks from today and files an appeal within 5 weeks from today before the first respondent, the impugned order will be kept in abeyance till the first respondent passes final order. I make it clear that I have not gone into the merits of the matter. I would however hope



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that the first respondent would show some indulgence in favour of the petitioner in respect of penal charges. If the petitioner fails to adhere to the aforesaid directions, the benefit of this order will vacate immediately.

7.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

26.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 08.04.2024.

To

- 1.The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex, E & C Market Salai,
Koyembedu, Chennai - 600 107.
- 2.The Executive Engineer,
Administrative Officer,
Madurai Housing Unit,
Ellis Nagar, Madurai District.

G.R.SWAMINATHAN, J.

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