



W.P(MD)No.11271 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11271 of 2020

and

W.M.P.(MD)No.9844 of 2020

K.Sulochana

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nandhanam,
Chennai – 600 035.

2.The Tamil Nadu Housing Board,
Rep. by its Manager – Marketing & Service,
Uchapatti Thoppur Satellite Town Division,
Eills Nagar, Madurai – 625 016.

3.The Executive Engineer,
Uchapatti Thoppur Satellite Town Division,
Eills Nagar, Madurai – 625 016.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by respondent No.2 herein in letter No.UTA/LIG-0801/2016 dated 06.09.2016 quash the same and consequently direct the respondents to re-allot the plot No.801/LIG/TS to the petitioner herein by granting extension of time for payment of dues.



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For Petitioner : Mr.D.Sivaraman

For Respondents : Mr.R.Sivakumarl,
Standing Counsel.

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ORDER

Heard both sides.

2.The writ petitioner was allotted the petition mentioned site by the Tamil Nadu Housing Board on 24.05.2010 on hire purchase basis. Vide letter dated 06.09.2016, the allotment was cancelled. Challenging the same, the present writ petition came to be filed.

3.The learned counsel for the petitioner contended that the impugned order was passed in violation of principles of natural justice and that it has to be set aside on the sole ground.

4.I am not swayed by this submission. As rightly pointed out by the learned standing counsel, it is not as if the Board had straightaway passed the impugned order. The Board did issue notices to the petitioner and the notices



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were returned with an endorsement “unserved”. Thereafter, paper publication was made. Only thereafter, the impugned cancellation order came to be made.

5. In normal circumstances, I would have sustained the stand of the learned standing counsel and dismissed the writ petition. But the Writ Court should never lose sight of the equities obtaining in a given case. The writ petitioner is a senior citizen. She is a widow. Her husband had passed away long time back. The sale consideration was fixed at Rs.2,84,168/-. At the time of allotment itself, the petitioner had paid a sum of Rs.71,042/-. The learned counsel for the petitioner states that the petitioner was making remittances of EMIs through her nephew. The petitioner had totally paid a sum of Rs.1,90,540/- including the allotment money. The petitioner's nephew is said to have passed away in the year 2016. Since a substantial portion of the sale price has been paid by the petitioner, the petitioner deserves to be given one more opportunity. The learned counsel for the petitioner draws my attention to Section 84(3) of the Tamil Nadu State Housing Board Act, 1961. It states that the competent authority may on application grant extension of the period. Of course, that would be on such terms as to payment and recovery of the amount claimed in the notice.



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6. In this view of the matter, the impugned letter is set aside. The matter is remitted to the file of the first respondent. The petitioner is given liberty to file an application under Section 84(3) of the Act. I express my hope that the first respondent will consider the petitioner's request favourably. The amount due and payable by the petitioner can be quantified and the petitioner can also directed to pay interest thereon. Tamil Nadu Housing Board is not a private company whose object is to make profit. It was established to provide housing facility to individuals. I have already noted that the petitioner is a woman, a widow and a senior citizen. She is also not having any children. She has paid 60% of the sale price. The competent authority / first respondent will bear these aspects in mind and pass a suitable order. Such an order shall be passed by the first respondent within a period of eight weeks from the date of application to be submitted by the petitioner.

7. This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

09.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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