



W.A.(MD) No.1931 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD)No.1931 of 2024
and
C.M.P.(MD) No.14331 of 2024**

1.The Managing Director,
Tamilnadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai.

2.The Assitant Secretary (Allotment),
Tamilnadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai.

3.The Executive Engineer and Administrative Officer,
Tamilnadu Housing Board,
Tirunelveli Housing Unit,
Tirunelveli -11.

... Appellants

-VS-

H.Purusothaman

... Respondent



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WEB COPY Writ Appeal filed under Clause 15 of Letters Patent to allow this Writ Appeal by setting aside the order, dated 05.12.2023, passed in W.P.(MD)No. 16824 of 2015.

For Appellants : Mr.A.Kannan

For Respondent : Mr.G.Prabhu Rajadurai

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

We do not see any ground to interfere with the order of the Writ Court.

2. An allotment was made by the Government to the respondent on 05.04.2005 under the Government discretionary quota. Though the Government Order making the allotment requires the Tamil Nadu Housing Board to pass consequential orders, no such order was passed. When the respondent came to this Court seeking consequential orders, this Court had disposed of the Writ Petition, directing the respondent to be treated on par with the other allottees.



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3. Since nothing was done, the respondent filed the instant Writ Petition, seeking a Writ of Certiorarified Mandamus, to quash the order dated 07.08.2015, and to direct the appellants to execute sale deed in respect of the property in Plot No.C-4, Tenkasi SMT Housing Scheme, by receiving sale price fixed during the year 2006-2007. The Writ Court allowed the Writ Petition on the premise that the counter affidavit does not disclose as to when the cost was finalized. Therefore, the Writ Court directed conveyance of the property on receipt of the cost as fixed for commercial Plot No.C-2 in the same area. Aggrieved, the Board is on appeal.

4. We have heard Mr.A.Kannan, learned counsel appearing for the appellants and Mr.G.Prabhu Rajadurai, learned counsel appearing for the respondent.

5. Though Mr.A.Kannan, learned counsel would seek to raise various issues, including suppression of facts etc., none of these were urged before the Writ Court. In the counter affidavit filed before the Writ Court, it was only stated that the final cost has not been finalized. The Writ Court was, therefore, forced to



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pass the order, directing payment of the cost fixed for the other commercial plot in the same scheme.

6. The learned counsel for the appellants would, however, contend that the respondent himself has written to the Housing Board on 20.02.2024 offering to pay the 2015-2016 rate along with interest. This is akin to an offer being made and the same was not accepted by the Housing Board, inasmuch as the Housing Board filed this appeal only on 02.09.2024. It is, therefore, not open to the Housing Board to rely upon the said letter written by the respondent. All that, the Writ Court has done is to direct the Housing Board to treat the respondent on par with the other allottees, whose allotments were cancelled and the cancellations were set aside upon challenge by this Court.

7. We, therefore, do not find any merit in the appeal. The Writ Appeal fails and it is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : No
Index : No
smn2

[R.S.M., J.] [L.V.G., J.]
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