



W.P(MD)No.22201 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.22201 of 2024

and

W.M.P(MD).Nos.18766 and 18768 of 2024

1.Jeyaparvathi

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep., by its Secretary to Government,
Housing and Urban Development Department,
St.George Fort, Chennai 600 009.

2.The Chairman,
The Tamil Nadu Housing Board,
CMDA Complex, E&C Market Road,
Koyamedu, Chennai.

3.The Manager Sales and Service /Executive
Engineer/Administrative Officer,
Tirunelveli Housing Board Unit,
Kamarajar Salai, Anbu Nagar,
Tirunelveli District.

4.The Superintendent of Police,
O/o.The Superintendent of Police,
High Ground Road, Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for the



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entire records in connection with the impugned order passed by the third respondent vide his proceedings Letter No.H3/4165/2009 dated 23.05.2024 and consequential order passed by the third respondent vide Letter No.H3/4165/2009 dated 10.09.2024 and quash the same, consequently direct the third respondent herein to execute the sale deed in favour of the petitioner for independent house MIG No.92, Tamil Nadu Housing Board, Edalakuddy, Kanyakumari District after for receive the outstanding payment.

For Petitioner : Mr.Niranjan S.Kumar

For Respondents : Mr.C.Satheesh (for R1)
Government Advocate
Mr.S.Velmurugan (for R3)
Standing Counsel
Mr.M.Vaikkam Karunanithi (for R4)
Government Advocate (crl.side)

ORDER

This writ petition has been filed challenging the impugned order cancelling the allotment order issued in favour of the petitioner.

2. The grievance of the petitioner is that the house in MIG No.92 at Villankumara Villai Scheme/Phase I, was allotted to the petitioner on 15.09.2009. Now, the same has been cancelled by the third respondent vide order dated 23.05.2024 on the ground that the monthly installment has not been paid and consequently, the order dated 10.09.2024 has been passed for eviction



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of the petitioner on or before 13.09.2024 before 11.00 am. Aggrieved by the same, the petitioner is before this Court.

3. It is the contention of the respondents that the petitioner has to pay a sum of Rs.19,92,292/-(Rupees Nineteen Lakhs Ninety Two Thousand Two Hundred and Ninety Two only). From 2011 onwards, no payment has been paid by the petitioner.

4. The learned counsel for the petitioner would submit that if four weeks time may be granted, the petitioner will deposit a sum of Rs.10,00,000/- and balance amount of Rs.9,92,292/- will be paid in eight weeks, thereafter. This statement is recorded.

5. It is the submission of the respondents that since the cancellation order has been passed, the Managing Director, Tamil Nadu Housing Board, has power to receive the said amount.

6. In such view of the matter, since the cancellation order has been passed only on the ground of non-payment of dues payable by the petitioner and now, the petitioner is ready to pay the entire amount, this Court is inclined



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to dispose of this petition. Accordingly, the Writ Petition is disposed of with the following conditions:

(i)The petitioner is directed to deposit a sum of Rs. 10,00,000/- (Rupees Ten Lakhs only) within a period of four weeks from today (i.e., 13.09.2024) and a sum of Rs.9,92,292/- (Rupees Nine Lakhs Ninety Two Thousand Two Hundred and Ninety Two only) shall be paid within a period of eight weeks, thereafter, to the Managing Director, Tamil Nadu Housing Board, CMDA Complex, E&C Market Road, Koyamedu, Chennai;

(ii)On receipt of such amount, the Managing Director, Tamil Nadu Housing Board, is directed to execute the sale deed in favour of the petitioner;

(iii)It is made clear that the amount as undertaken by the petitioner before this Court has not been paid in time, the respondents can straight away evict the petitioner.

No costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes / No
Index : Yes / No
Rmk



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N.SATHISH KUMAR, J

Rmk

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