



WEB COPY

WP No. 2954 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 2954 of 2023

1. S.Gnanasamy
S/o. Selvan

Petitioner(s)

Vs

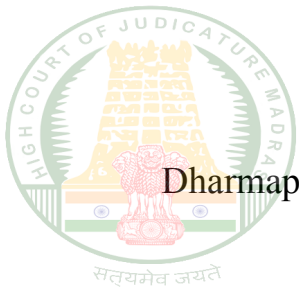
1. Tamil Nadu Housing Board
Rep. by its Managing director,
No. 33, Anna Salai,
Nandanam, Chennai

2.The Chief Engineer
Tamil Nadu Housing Board,
No. 33, Anna Salai, Nandanam, Chennai 35

3.The Manager
Tamil Nadu Housing Board / Hosur Housing
unit, Hosur

4.The executive engineer
Tamil Nadu Housing Board / Hosur Housing
unit,
Hosur

5.The Assistant Executive Engineer III,
Tamil Nadu housing board / Hosur Housing unit,



Dharmapuri

WP No. 2954 of 2023



Respondent(s)

WEB COPY

PRAYER

Directing the 4th respondent to consider the representations of the petitioner dated 08.05.2015 and 14.07.2021 and to execute and register the sale deed in favour of the petitioner in respect of the residential house No. LIG, 98 Harur, pursuant to the allotment letter vide proceedings No.HR. 10256/97 dated 10.02.1998 of the 4th respondent within the stipulated time as may be fixed by this Court.

For Petitioner(s): Mr.J.Pradeep

For Respondent(s): Mr.A.M.Ravindranath Jeyapal
Standing Counsel for R1-4

ORDER

This writ petition has been filed for the issuance of a writ of mandamus directing the 4th respondent to consider the representation of the petitioner and to execute the sale deed in favour of the petitioner, pursuant to the allotment letter dated 10.02.1998 issued by the 4th respondent.

2. The 4th respondent has filed a counter and the following stand has been taken,

“a. The House No.LIG-98, Harur SMT Scheme was allotted to writ petitioner/S.Gnanasamy under "First Come First Serve basis" vide Regular



WEB COPY



Allotment Order dated. 10.02.1998. The tentative cost of the house was fixed as Rs.1,09,300/-, the Initial Deposit of Rs.38,100/-, Monthly Installments (MI) of Rs. 1,044/- for a period of 14 years at the interest rate 15.5% and on belated payment penal interest of 18.5% will be levied.

b. The writ petitioner has paid 1/10th cost of the house of Rs. 10,930/- as Initial Deposit, Rs.1,442/- as Monthly Installment and Rs.120/- towards Maintenance Charge vide Receipt No. 098783 dated 02-03-1998. The handing order of the said house was issued on 02-03-1998.

c. But the writ petitioner/allottee failed to pay monthly installments regularly and defaulted. Subsequently, the 4th respondent issued Show cause notice u/s. 84(2) issued on 12.07.2002 and 84(1) issued on 02-08-2002 to pay the outstanding arrears. The writ petitioner has not paid the pending monthly installments arrears of Rs.51738/- as on September 2002. Hence, the allotment of the said house was cancelled vide cancellation order dated 19.09.2002. Till then the writ petitioner has paid only Rs.30,826/- for the said house.

d. On 24.10.2002, an Eviction Notice letter was sent to the Inspector of Police, Harur for necessary Police protection to evict the house on 20.12.2002.

e. Later, the House No. LIG-98 at Harur SMT Scheme was brought into vacant list and the Beard in its Proceeding No.Costing-3/17138/2012, dated.25.06.2012 has fixed selling price for the



WEB COPY



Surrendered / Cancelled houses for the period 2012-2013.

f. During the lot held on 10-01-2013, the said house was allotted to one S. Sivakumar on.30-01-2013 and the same was cancelled on 12-04-2013 due to non-payment of the monthly installments. Now the said house is under the possession of the writ petitioner.

2. With regard to paragraph No. 1,2,3,4 & 5 of the affidavit filed by the writ petitioner, I respectfully submit that the House No.LIG-98, Harur SMT Scheme was allotted to writ petitioner under "First Come First Serve basis" vide Regular Allotment Order dated. 10.02.1998. The tentative cost of the house was fixed as Rs. 1,09,300/-the Initial Deposit of Rs.38,100/-, Monthly Installments (MI) of Rs. 1,044/- for a period of 14 years at the interest rate 15.5% and on belated payment penal interest of 18.5% will be levied. The writ petitioner has paid 1/10th cost of the house of Rs. 10,930/- as Initial Deposit, Rs.1,442/-as Monthly Installment and Rs. 120/- towards Maintenance Charge vide Receipt No. 098783 dated 02-03-1998. And the handing order of the said house was issued on 02-03-1998. But the writ petitioner/allottee failed to pay monthly installments regularly and defaulted. Subsequently, the 4th respondent issued Show cause notice u/s. 84(2) issued on 12.07.2002 and 84(1) issued on 02-08-2002 to pay the outstanding arrears. The writ petitioner has not paid the pending monthly installments arrears of Rs.51738/- as on September 2002. Hence, the allotment of the said house was cancelled vide



WEB COPY

WP No. 2954 of 2023



cancellation order dated 19.09.2002. Till then the writ petitioner has paid only Rs.30,826/- for the said house. On 24.10.2002, an Eviction Notice letter was sent to the Inspector of Police, Harur for necessary Police protection to evict the house on 20.12.2002.

Later, the House No.LIG-98 at Harur SMT Scheme was brought into vacant list and the Board in its Proceeding No.Costing-3/17138/2012, dated.25.06.2012 has fixed selling price for the Surrendered / Cancelled houses for the period 2012-2013. During the lot held on 10-01-2013, the said house was allotted to one S.Sivakumar on.30-01-2013 and the same was cancelled on 12-04-2023 due to non-payment of the monthly installments. Now the said house is under the possession of the writ petitioner.”

3. Heard Mr.J.Pradeep, learned counsel for the petitioner and Mr.A.M.Ravindranath Jeyapal, learned Standing Counsel for respondents 1 to 4.

4. It is quite evident from the counter affidavit filed by the Housing Board that the allotment made in favour of the petitioner has already been cancelled, and a fresh allotment has been made in favour of Sivakumar.

5. Therefore, the relief as sought for in the present writ petition no longer survives, and accordingly, the writ petition is dismissed. If the petitioner is aggrieved by the cancellation of the allotment, it is left open to the petitioner to



WP No. 2954 of 2023



work out his remedy in the manner known to law. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

WEB COPY

18-06-2025

gd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
WEB COPY

1. Tamil Nadu Housing Board
Rep. by its Managing director, No. 33,
Anna Salai, Nandanam, Chennai

2. The Chief Engineer
Tamil Nadu housing board, No. 33,
Anna Salai, Nandanam, Chennai 35

3. The Manager
Tamil Nadu housing board / Hosur
Housing unit, Hosur

4. The executive engineer
Tamil Nadu housing board / Hosur
Housing unit, Hosur

5. the Assistant Executive engineer III
Tamil Nadu housing board / Hosur
Housing unit, Dharmapuri



WEB COPY

WP No. 2954 of 2023



N.ANAND VENKATESH J.

gd

WP No. 2954 of 2023

18-06-2025