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W.P.No.7707 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7707 of 2010

And

M.P.No.1 of 2010

K.Govindarajan

... Petitioner

Vs.

1.The Chairman and Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai – 600 035.

2.The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Board,
Hosur Housing Unit,
Hosur – 635 109.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned order / Letter issued by the second respondent in letter No.A 5 / 14936 / 2005 dated 04.03.2010 and quash the same.

For Petitioner : Mr.S.Sathish Rajan

For Respondents : Mr.D.Veerasekaran

ORDER

This writ petition has been filed seeking issuance of Writ of



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Certiorari to call for the records pertaining to the impugned order / Letter issued by the second respondent in letter No.A 5 / 14936 / 2005 dated 04.03.2010 and quash the same.

2.The learned counsel appearing for the petitioner submitted that the petitioner was allotted HIG House No.HIG-33, at Phase IX Hosur Neighbourhood Scheme vide proceedings of the second respondent dated 23.08.2001. The cost of the building including the land cost was fixed at Rs.6,64,000/- and after payment of the entire cost, sale deed was executed in favour of the petitioner on 06.01.2005. Whiles, the second respondent passed the impugned order stating that the petitioner is liable to pay a sum of Rs.4,17,172/- as per the undertaking given by the petitioner. The learned counsel further submitted that the petitioner executed usual undertaking letter that if there is any balance amount need to be paid, he will pay the amount. The learned counsel further submitted that if there is any amount due, it can be claimed only within a period of three years from the date of undertaking. In the present case, the petitioner gave the undertaking letter on 13.12.2004 and hence the present claim made by the second respondent is not sustainable one.



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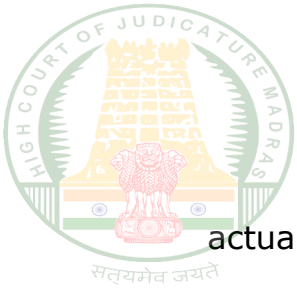
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3.The learned counsel appearing for the respondents submitted that prior to execution of sale deed, the petitioner gave undertaking letter stating that if there is any balance amount need to be paid, he will pay the amount and vide impugned order, the balance amount was rightly demanded by the second respondent, which warrants no interference.

4.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

5.Admittedly, the petitioner was allotted HIG House No.HIG-33, at Phase IX Hosur Neighbourhood Scheme vide proceedings of the second respondent dated 23.08.2001. The cost of the building including the land cost was fixed at Rs.6,64,000/- and after payment of the entire cost, sale deed was executed in favour of the petitioner on 06.01.2005.

6.In the impugned order, the second respondent has stated that the cost of the house was mentioned as Rs.6,64,000/- against the



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actual cost of the house after due capitalization was Rs.9,61,200/- due to wrong calculations done by some of the staff of Hosur Housing Unit at that time. Though such claim was made in the impugned order, no disciplinary action was initiated against the staff for wrong calculation and no document is produced before this Court. Respondents claim that undertaking letter was given by the petitioner on 13.12.2004, however, before executing sale deed, the undertaking letter was not given effect by recovering the amount and after execution of sale deed that too after expiry of the limitation period of three years, the impugned order has been passed which is not sustainable one.

7.The writ petition is allowed. The order / Letter issued by the second respondent in letter No.A 5 / 14936 / 2005 dated 04.03.2010 is set aside. No costs. Consequently, connected miscellaneous petition is closed.

02.09.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No



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