



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 20484 of 2024
and WMP No. 22434 of 2024**

Alen Godfrey R.Jose

Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. by the Managing Director,
Tamil Nadu Housing Board,
CMDA Complex, E & C,
Market Road, Chennai-600 107
- 2.The Executive Engineer & Ado
Thirumazhisai Satellite Town Division,
Tamil Nadu Housing Board,
C-48 (3rd Floor) Second Avenue,
Anna Nagar, Chennai-600 040
- 3.The Manager Marketing and Service
Thirumazhisai Satellite Town Division,
Tamil Nadu Housing Board,
No.792, TKSPM Towers, (1st Floor),
Trunk Road, Poonamallee,
Chennai-600 056.

Respondent(s)



PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the orders of the 2nd respondent made in letter No.TSTD/ A3/ 617/ 2016 dated 26.07.2023 and the letter No.TSTD/A3/ 617/ 2016 dated 17.5.2024 and quash the same, consequent to direct the respondents to execute the sale deed in the name of the petitioner for the land and house bearing number HIG House No.1 at Sevapet Phase-II, Tiruvallur District.

For Petitioner(s): Mr.R.Malaichamy

For Respondent(s): Mr.D.Veerasekaran
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 26.7.2023 and the letter dated 17.5.2025 and for a consequential direction to the respondents to execute sale deed in the name of the petitioner for the subject property.

2.The case of the petitioner is that in the year 2010, the petitioner submitted an application for allotment of HIG- plot with house. The allotment was made in favour of the petitioner through proceedings dated 01.02.2010.



Lease cum sale agreement dated 09.02.2010 was executed. The total value was fixed at Rs.13,86,784/-. The further case of the petitioner is that he has paid the entire amount in two installments. This was also acknowledged by the 2nd respondent. Thereafter, the handing over and the taking over certificate was issued to the petitioner on 29.3.2010.

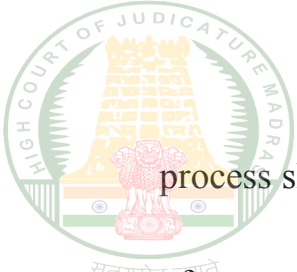
3. Thereafter on 30.09.2013, the respondents charged interest of Rs.12,973/- and also maintenance charges of Rs.6,860/-. While so, by letter dated 03.03.2017, the petitioner was directed to pay a sum of Rs.25,80,295/- as difference in land cost as on 30.9.2001, by ignoring the terms and conditions of the lease cum sale agreement. Thereafter, the petitioner received the letter dated 26.7.2023 from the 2nd respondent directing the petitioner to pay a sum of Rs.34,25,122/- as outstanding dues. Once again, a demand was made by the 2nd respondent by letter dated 31.5.2024 and the petitioner was directed to pay a sum of Rs.35,24,269 /- It is under these circumstances, the present writ petition came to be filed before this Court.



4. Counter affidavit has been filed by the respondents and the respondents have justified the demand made from the petitioner and accordingly sought for the dismissal of this writ petition.

5. It is not necessary for this Court to go into the various grounds raised by the petitioner. The issue pertains to the payment of the final cost along with interest and penal interest. Recently, the Government has issued G.O.Ms.No.116 dated 04.8.2025, which authorises dispensing with the payment of the interest and penal interest subject to certain conditions. This has been made applicable for those allotments which took place prior to 2015.

6. In the light of the above development, it will be more appropriate to send the matter back to the file of the 2nd respondent. The 2nd respondent shall deal with the case of the petitioner in line with G.O.Ms.No.116 dated 04.8.2025 and take a decision on the final cost payable by the petitioner and inform the same to the petitioner. The report of the 2nd respondent shall be placed before the 1st respondent to enable the 1st respondent to pass final orders. This



process shall be completed within a period of six weeks from the date of receipt

of copy of the order.

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7.This writ petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

20-08-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

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N.ANAND VENKATESH J.
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