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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 23747 of 2025
and WMP Nos. 26711 & 26712 of 2025**

C.Velusamy

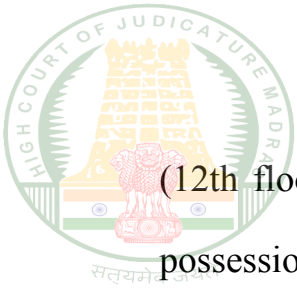
Petitioner(s)

Vs

The Tamil Nadu Housing Board
Rep. by The Executive Engineer Cum Administrative Officer,
Nandanam Division,
No.485, MTB Building,
Nandanam, Chennai-035.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the order passed by the respondent in letter bearing no.N.D.R.11/00639/2021 dated 16.08.2024 and quash the same and direct the respondent board to pay appropriate compensation by way of interest at such rate as may be determined by this Court for the delay in handling over possession of HIG Flat No.12B



(12th floor) to the petitioner calculated from the agreed date of handing over possession i.e, December 2022 till June 2024 (actual possession date).

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For Petitioner(s): Ms.A.Vidya
for Viruksham Legal

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

ORDER

This writ petition has been filed challenging the impugned letter dated 16.08.2024 and for a direction to the respondent Housing Board to pay compensation for the delay in handing over possession of the HIG Flats to the petitioner.

2.Heard Ms.A.Vidya, learned counsel appearing on behalf of the petitioner and Mr.D.Veerasekaran, learned Standing Counsel appearing on behalf of the respondent.

3.The sum and substance of the grievance expressed by the petitioner is that the petitioner has already paid the final cost fixed by the Housing Board



towards the allotment of HIG Flats. In spite of the same, the Housing Board was

insisting for the payment of GST on the final cost. A communication made in

this regard has been put to challenge in the present writ petition.

4.The issue involved in the present writ petition is no longer *res integra* and it is covered by the earlier order passed in a batch of cases in W.P.No.33933 of 2024 etc., dated 02.06.2025. The relevant portions are extracted hereunder:

22. In view thereof, these Writ Petitions are allowed on the following terms:-

(i) In respect of the petitioners herein who have paid the 100% sale price as calculated according to the advertisement rate, TNHB, without insisting on any further payment of G.S.T, shall appropriately calculate the sale price and the G.S.T, and by mentioning the sale price, shall execute the sale deed in favour of the petitioners;

(ii) Regarding the petitioners who have, without prejudice, also made the additional payment, the aforementioned exercise shall be conducted in addition to refunding the extra 5% collected from them;



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(iii) *The above exercise shall be completed within eight weeks from the date of receipt of a web copy of this order without waiting for a certified copy of this order;*

(iv) *There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed*

5. In the light of the above order, the demand made by the Housing Board for payment of GST out of the total cost is unsustainable and hence, there shall be a direction to the respondent to execute the Sale Deed in favour of the petitioner and complete this process, within a period of six weeks from the date of receipt of copy of this order.

6. In the result, this writ petition stands allowed in the above terms. No Costs. Consequently, connected miscellaneous petitions are closed.

01-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



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To
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The Tamil Nadu Housing Board
Rep. by The Executive Engineer Cum Administrative Officer,
Nandanam Division,
No.485, MTB Building,
Nandanam, Chennai-035.



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N.ANAND VENKATESH J.

SSR

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