



W.A.No.2655 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No. 2655 of 2022

M.Kannabiran

...Appellant

Vs.

1.The Principal Secretary,
Housing and Urban Development,
Fort St. George,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai – 600 035.

3.The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Board,
K.K.Nagar, Chennai.

4.The Executive Engineer & Administrative Officer,
Mogappair Division,
Tamil Nadu Housing Board,
Thirumangalam, Chennai.

...Respondents

PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 30.11.2018 made in W.P.No.2585 of 2017.



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For Appellant : Mr.A.Veerasamy

For Respondents : Mr.S.Senthil Murugan,

Spl.GP for R1

Mr.V.Gunasekar,

Standing Counsel for R2 to R4

J U D G M E N T

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

Writ order dated 30.11.2018 made in W.P.No.2585 of 2017 is under challenge.

2. Writ petitioner is appellant. Admittedly, writ petitioner secured two different allotment of flats from Tamil Nadu Housing Board for which he is ineligible.

3. Learned counsel for Tamil Nadu Housing Board would submit that second allotment was secured by suppressing the fact of first allotment made in favour of appellant. Thus, Board cancelled second allotment and already paid a sum of Rs.21,79,927/-.



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4. Learned counsel appearing on behalf of appellant would submit that he is not pressing the relief to resume cancelled allotment. However, amount paid is to be returned back to appellant. A part amount of Rs.21,79,927/- has already been settled, but balance amount to the tune of Rs.9,04,720/- is yet to be paid to appellant.

5. Executive Engineer and Administrative Officer, Tamil Nadu Housing Board in his counter has stated that allotment of Pot No.312, LIG II, Nolambur Phase – II scheme was cancelled and possession also had taken from appellant/ allottee. Said flat was allotted subsequently in favour of one R.Shanthi. Therefore, there is no financial loss to Tamil Nadu Housing Board.

6. Thus, forfeiture of initial deposit is unjustified. Since plot initially allotted in favour of appellant was cancelled and re-allotted in favour of some other person, initial deposit made by appellant is to be reimbursed. In view of said fact, respondent Tamil Nadu Housing Board is directed to repay balance amount of Rs.9,04,720/- to appellant within a period of six (6) weeks from date of receipt of a copy of this order. In respect of finding made by writ Court no interference is required.



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7. With above directions, this Writ Appeal stands **disposed of**. No costs.

(S.M.S., J.) (M.S.Q., J.)
05.11.2025

dsa
Index :Yes/No
Neutral Citation :Yes/No
Speaking/Non-speaking order



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To

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and
MOHAMMED SHAFFIQ, J.

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