



W.P.No.29743 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.29743 of 2023

AND

W.M.P.Nos.29351 & 29352 of 2023

Jawahar

.. Petitioner

Vs.

1.State of Tamil Nadu
Rep. by its Secretary
Housing and Urban Development Department
Secretariat, Chennai 600 009

2.The Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai 600 035

3.The Executive Engineer-cum-Administrative Officer
Tamil Nadu Housing Board
Hosur Housing Unit, Hosur-9
Krishnagiri District

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of the impugned order in letter No.HR4/2877/2014 dated 12.09.2023 and to quash the same and consequently direct the 3rd respondent to receive the initial cost from the

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petitioner and execute the hire purchase agreement in respect of the house No.HIG-87 at “A” Jettihalli Neighbourhood Scheme, Dharmapuri based on the regular allotment order in HR4/2877/2014 dated 30.05.2018.

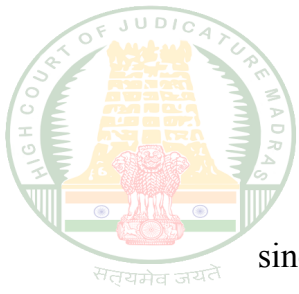
For Petitioner : Mr.C.Prabakaran
For R1 : Mr.P.Aishwarya
Government Advocate
For R2 : Mr.A.M.Ravindranath Jeyapal
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned letter dated 12.09.2023 and for a consequential direction to the 3rd respondent to receive the initial cost from the petitioner and execute the hire purchase agreement in respect of house No.HIG-87 at “A” Jettihalli Neighbourhood Scheme, Dharmapuri, based on the regular allotment order in HR4/2877/2014 dated 30.05.2018.

2. When this writ petition came up for hearing on 03.06.2025, this Court passed the following order :

“The learned Standing Counsel appearing on behalf of the Housing Board seeks some more time to take instructions in this case. On carefully going through the impugned proceedings dated 12.09.2023, it is seen that the allotment was made in favour of the petitioner through the proceedings dated 30.05.2018. The impugned order states that the allotment is cancelled



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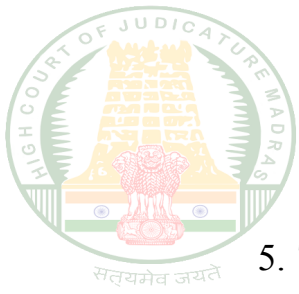
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since favourable orders were not granted in favour of the petitioner in certain writ petitions in W.P.Nos. 13189 to 13194 of 2018. The learned counsel for the petitioner was able to establish before this Court that none of these writ petitions pertained to the subject property in House No. HIG-87 and that apart, the petitioner did not file any earlier Writ Petition. Hence, the very reasoning given by the Housing Board cancelling the allotment, has been questioned.

2. Considering the limited issue involved and the materials placed before this Court, post this writ petition under the caption “for orders” on 11.06.2025.”

3. The writ petition was listed for hearing today and the learned Standing Counsel appearing on behalf of the Housing Board submitted that pursuant to the order passed by this Court in W.P.No.19569 of 2015 filed by one Chitra dated 29.10.2021, the said Chitra had paid the entire revised cost, except three installments and on payment of the said installments, sale deed will be executed in her favour.

4. The learned Standing Counsel further submitted that whatever amount has been paid by the petitioner will be refunded to the petitioner, provided, that the petitioner signs in the refund voucher.



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5. The order passed in W.P.No.19569 of 2015 along with W.P.No.19570 of 2015 is extracted hereunder :

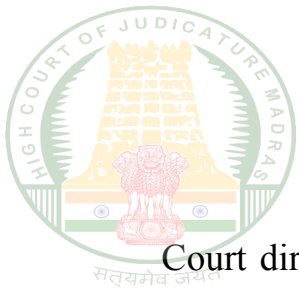
“3. The learned Senior counsel appearing on behalf of the petitioners made a submission that the old scheme was abolished and a new scheme was formulated. Under the new scheme, the petitioner in W.P.No.19569 of 2015 was allotted with Flat No.87 and the petitioner in W.P.No.19570 of 2015 was allotted with Flat No.83. Based on the telephonic message received from Thiru. R. BharathKumar, Advocate / Standing Counsel for Tamil Nadu Housing Board dated 21.10.2021, the third respondent issued Letter No.H.R.5/2958/2013 dated 25.10.2021. In the said letter, the revised cost of the flat is indicated as Rs.53,01,370/- for HIG-83 and Rs.53,01,370/- for HIG-87, in respect of this two writ petitioners.

4. The learned Senior Counsel appearing on behalf of the petitioners made a submission that the petitioners are willing to accept the revised flat cost and pay the same to the Housing Board for getting allotment.

5. The learned counsel appearing on behalf of the respondent-Housing Board, made a submission that in this regard, a confirmation letter is to be given by the petitioners and based on the letter, the Housing Board has to take a decision.

6. In view of the facts and circumstances, the petitioners are at liberty to submit a letter of consent, accepting the flat cost indicated in letter dated 25.10.2021 and on receipt of any such request letter from the petitioners, the respondent/Housing Board shall pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of the copy of representation from the petitioners.”

6. The property for which the petitioner is seeking for execution of the hire purchase agreement is the same property involved in W.P.No.19569 of 2015. This



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Court directed the petitioner therein to pay the revised cost and on receipt of the same, the Housing Board was directed to take a decision. Pursuant to the said order, the revised cost of the flat was paid by the above said Chitra, except three more installments that are payable. On such payment, sale deed will be executed in her favour. Therefore, the request made by the petitioner at this stage, is not feasible.

7. The learned counsel for the petitioner submitted that instead of refunding the amount paid by the petitioner, the Housing Board can consider allotting any other flat to the petitioner by receiving the revised cost. It is left open to the petitioner to make a representation in this regard to the respondents 2 and 3 and they shall take a decision and convey the same to the petitioner within a period of eight weeks from the date of receipt of representation from the petitioner.

This writ petition is disposed of in the above terms. No costs. Connected W.M.Ps are closed.

11.06.2025

Index : Yes/No

Neutral Citation : Yes/No

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N. ANAND VENKATESH, J.

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To

1.The Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai 600 009

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Tamil Nadu Housing Board
Nandanam, Chennai 600 035

3.The Executive Engineer-cum-Administrative Officer
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