



W.A.No.604 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

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CORAM :

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

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J.Benjamin Jacob .. Appellant

v.

1. Tamil Nadu Housing Board
rep.by its Chairman
Anna Salai, Nandanam
Chennai 600 035

2. The Executive Engineer
SAF Games Village Division
Tamil Nadu Housing Board
G-133, 1st Avenue Road
Anna Nagar East, Chennai 600 102

3. The Manager (Sales and Service)
SAF Games Village Division
Tamil Nadu Housing Board
Anna Nagar West Extension
Chennai 600 101

.. Respondents

Memorandum of Grounds of Writ Appeal filed under Clause 15 of the
Letters Patent against the order dated 07.06.2023 passed in W.P.No.20063



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of 2019.

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For Appellant :: Mr.A.Saravanan

For Respondents :: Mr.D.Veerasekaran
Standing Counsel

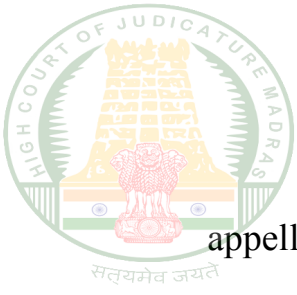
JUDGMENT

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

Under assail is the order dated 07.06.2023 passed in Writ Petition No.20063 of 2019.

2. The writ petitioner is the appellant before this Court. The writ was instituted challenging the proceedings dated 21.05.2019 declining the request of the appellant to clarify the final cost and interest and also seeking a direction to execute the sale deed in respect of the Flat No.4, HIG flat, 14th Floor at SAF Games Village, Koyambedu, Chennai allotted to the appellant vide allotment letter dated 31.12.2015.

3. Pursuant to the application submitted by the appellant, Flat No.4, HIG Flat, 14th Floor at SAF Games Village, Koyambedu was allotted to the



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appellant. The order of allotment reveals that the tentative cost of the flat is fixed as Rs.1,26,44,000/-. One of the conditions stipulated in the order of allotment would reveal that the Housing Board is empowered to demand final cost, which would be informed later to the allottee. Agreeing to the said condition, the appellant accepted the allotment and paid the installments. Some installments were paid belatedly and for such belated payments, the Housing Board is charging interest as per the terms and conditions.

4. The writ Court considered the issues and in order to give quietus to the issue, the writ Court directed the appellant to pay a sum of Rs.25,00,000/- to the Housing Board within a period of eight weeks and on receipt of the said amount, the Housing Board was directed to execute the sale deed in respect of the said property. Not satisfied with the writ Court order, the present intra-Court appeal has been instituted mainly on the ground that the learned single Judge of the Court has fixed a sum of Rs.25,00,000/- without any basis.



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5. Mr.A.Saravanan, learned counsel appearing on behalf of the appellant would contend that the Housing Board is charging exorbitant interest and as per the judgment of the Hon'ble Supreme Court of India in Civil Appeal No.12238 of 2018 dated 02.04.2019, interest is to be charged reasonably and the Apex Court set aside the charging of exorbitant interest in the said case. That apart, the present cost of the flat is lesser than that of the cost fixed earlier by the Housing Board to the appellant. For all these reasons, the order of the learned single Judge is to be set aside.

6. The learned standing counsel appearing for the Housing Board would oppose by stating that on submission of application, the terms and conditions of allotment were circulated to the appellant along with the allotment order. It is clearly stated that the amount stipulated in the allotment order is tentative cost and the Housing Board will intimate the final cost to be paid and on such intimation, the allottee has to pay the final cost amount. Having agreed to the terms and conditions, now the appellant cannot turn around and claim that the interest charged is exorbitant. The Housing Board being a Government of Tamil Nadu Undertaking, reasonable



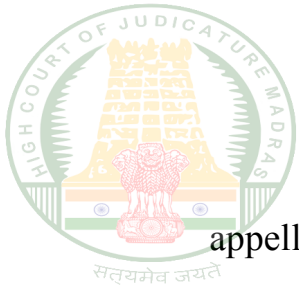
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interest as per the regulations is charged. Thus the writ appeal is to be rejected.

7. The respondents produced the documents. The provisional allotment order dated 10.06.2015 reveals that the tentative cost of the flat is Rs.1,26,44,000/-. The terms and conditions agreed between the parties state that the final cost will be intimated later. Accordingly, the final cost was intimated to the appellant. The final cost fixed as per the Tamil Nadu Housing Board to the subject flat is Rs.1,36,44,000/-. Interest for belated payment of monthly installments is calculated as Rs.29,94,014/-. Therefore, the appellant is asked to pay a sum of Rs.1,66,38,014/- in total. The appellant has paid the substantial amount of Rs.1,26,44,000/-. Therefore the balance outstanding amount to be paid to the Housing Board is calculated as Rs.39,94,014/-. The said amount is disputed by the appellant.

8. The writ Court has taken a lenient view and directed the appellant to pay a sum of Rs.25,00,000/- in order to give a quietus. Therefore, the fixed amount contemplated in the writ order is a concession granted to the



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appellant. Since the Tamil Nadu Housing Board has not preferred any appeal, we are not inclined to interfere with the said fixation made by the writ Court as far as the appellant is concerned. The final cost has been fixed by the Tamil Nadu Housing Board including the amount paid towards land acquisition proceedings and only a sum of Rs.10 lakhs was fixed as final cost over and above the tentative cost fixed at the time of allotment. More specifically the tentative cost was Rs.1,26,44,000/- and the final cost is Rs.1,36,44,000/-. The other amount is related to the belated payment interest. In view of the above facts, the appellant has not made out any acceptable ground for interference. Consequently, the writ appeal is dismissed. No costs.

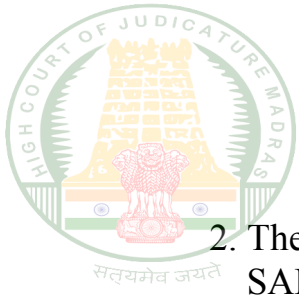
Index : yes
Neutral citation : yes

(S.M.S.,J.) (K.R.S.,J.)
24.02.2025

SS

To

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Tamil Nadu Housing Board
Anna Salai, Nandanam
Chennai 600 035



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