

W.A.(MD)No.1730 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.1730 of 2023
and
CMP(MD)No.13242 of 2023**

1. The Executive Engineer and Administrative Officer,
Tirunelveli Housing Unit,
E.B. Colony, Sivanthipatti Road,
Tirunelveli -627 011.

2. The Managing Director,
Tamilnadu Housing Board,
Nandanam, Chennai-600035.

3. The Marketing and Service Manager,
Tamilnadu Housing Board,
Kamarajar Salai, Anbunagar,
Tirunelveli-627 011.

... Appellants

vs.

1. C.Shanmugasundaram

2. The Secretary,
Tamil Nadu Housing and Urban Development,
Secretariat, Fort St.George,
Chennai-600 035.

... Respondents



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Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P(MD)No.19447 of 2013, dated 12.10.2022.

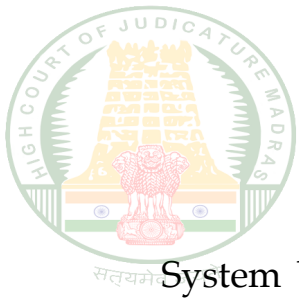
For Appellants : Mr.A.Kannan
For R1 : MrK.Anand
For R2 : Mr.D.Farjana Ghoushia
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by J.NISHA BANU, J.)

This writ appeal is directed against the order made in W.P(MD)No.19447 of 2013, dated 12.10.2022.

2. The above writ petition was filed for a Mandamus directing the 1st appellant to execute a sale deed in favour of the 1st respondent / writ petitioner in respect of House No.6 in HIG at V.M.Chatram, Tirunelveli, purchased as per House Right Purchase



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System by the 1st respondent, by considering his representation dated
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21.03.2013.

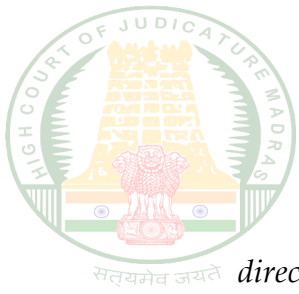
3. The Writ Court has issued the following direction:

"16.A careful analysis of both the Division Bench Judgements will clearly reveal that where there is a liability upon the allottee to pay an amount to the Housing Board and the said liability has not been intimated to the allottee in time, the Board would not be entitled to levy interest till they have made a demand. In the present case, the award in the acquisition proceedings has been passed on 31.01.2003 and the final cost was arrived at on 18.02.2011. Thereafter, the working sheet has been furnished to the writ petitioner on 11.11.2013. However, interest has been calculated for the said difference in land cost from April 1999 onwards.

17.In view of the Hon'ble Division Bench Judgments cited supra, the respondent Board will be entitled to claim interest only from November 2013 onwards when they had furnished a working sheet to the writ petitioner. Therefore, the Board is not entitled to claim any interest on any outstanding amount till November 2013. The respondent Board shall be entitled to claim interest for difference in land cost from December 2013 onwards. The Board shall issue a fresh demand notice to the writ petitioner on the basis of the above said finding arrived at by this Court. The writ petitioner shall pay the amount as per the demand notice and get a sale deed executed by the respondent board.

18.In view of the above said facts, this Court passes the following orders;

(i). The respondent Board is directed to issue a fresh demand notice as per



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directions given by this Court with a detailed working sheet to the writ petitioner within a period of 8 weeks from the date of receipt of a copy of this order.

(ii). The writ petitioner shall pay the amount within a period of 8 weeks from the date of receipt of such demand notice. If there is any delay, the Board is entitled to levy interest for the delay beyond 8 weeks. On such payment, the respondent Board is directed to execute a sale deed in favour of the writ petitioner within a period of 4 weeks from the date of receipt of entire sale consideration.

19. With the above observations, this writ petition is allowed to the extent as stated above. No costs."

4. Today, when the writ appeal was taken up for hearing, learned counsel for the appellants submitted that pursuant to the abovesaid order, when fresh demand notice was issued to the 1st respondent, he paid the entire amount and a sale deed has also been registered in his favour in respect of House No.6 in HIG at V.M.Chatram, Tirunelveli, and therefore, this writ appeal has become infructuous. He has also produced the receipt for payment made by the 1st respondent.



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5. Recording the said submission, the Writ Appeal is dismissed as infructuous. No costs. Connected miscellaneous petition is closed.

[J.N.B., J.] [S.S.Y., J.]
24.04.2025

Index : Yes / No
Neutral Citation : Yes / No
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To:

The Secretary,
Tamil Nadu Housing and Urban Development,
Secretariat, Fort St.George,
Chennai-600 035.



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and
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JUDGMENT MADE IN
W.A(MD)No.1730 of 2023
DATED : 24.04.2025