



W.P(MD)No.3815 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.3815 of 2023

S.Anis Akthar

... Petitioner

Vs

1.The Chief Engineer (Rural),
Tamil Nadu Housing Board,
CMDA Complex, E & C Market Road,
Koyambedu,
Chennai – 600 107.

2.The Superintending Engineer (Rural Circle),
Tamil Nadu Housing Board,
CMDA Complex,
E & C Market Road,
Koyambedu,
Chennai – 600 107.

3.The Executive Engineer & Administrative Officer,
Office of the Executive Engineer,
Tamil Nadu Housing Board,
Tiruchirappalli Housing Unit,
Kajamalai Colony,
Edamalaipatti Pudur,
Tiruchirappalli – 620 021.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representations dated 11.02.2022 and 12.12.2022 respectively and refund the entire amount of Rs.2,72,100/- along with interest from the date of deposit paid by the petitioner for the allotment of Plot No.46, Middle Income Group



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under the Valavanthankottai Area Development Scheme,
Tiruchirappalli Housing Unit, Tamil Nadu Housing Board.

For Petitioner : Mr.R.Karamchand Kandasamy
for Mr.K.C.Ramalingam

For Respondents : Mr.M.Suresh

ORDER

This Writ Petition has been filed by the petitioner for a direction directing the respondents to consider the representation submitted by the petitioner seeking refund of the amount paid by the petitioner with interest for the allotment of Plot No.46, Middle Income Group under the Valavanthankottai Area Development Scheme, Tiruchirappalli Housing Unit, Tamil Nadu Housing Board.

2.The petitioner was allotted Plot No.46, Low Income Group under the Valavanthankottai Area Development Scheme by the third respondent. Accordingly, the total sale consideration was fixed at Rs.7,14,900/- for the plot. Thereafter, the petitioner was informed to make an advance payment of Rs.2,50,300/- and the first instalment of Rs.10,900/-. Accordingly, the petitioner had paid the advance payment of Rs.2,50,300/- and the first instalment and the petitioner was informed to pay the remaining amount.



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3.The grievance of the petitioner is that no agreement was executed after allotment and the petitioner was not handed over the allotment plot. Therefore, the petitioner could not able to develop the same and the entire plots which were allotted in favour of various persons were kept vacant. Therefore, the petitioner submitted a representation seeking refund of the amount paid by the petitioner.

4.On perusal of the counter-affidavit filed by the third respondent would reveal that though the petitioner was allotted Plot No.46, the petitioner failed to pay the installments on time as per the terms and conditions of the allotment and the petitioner failed to pay the remaining installments. After a period of 7 years, the petitioner made a request for a refund of the amount which was paid by him.

5.Admittedly, the vacant possession of the plot as per the allotment was not handed over to the petitioner. Further, the petitioner was also irregular on payment of monthly installments.



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That apart, in the year 2021, the Valavanthankottai Area Development Scheme was once again advertised as a new scheme by the respondents and fixed price at Rs.13,69,000/- per plot. Accordingly, all the plots were allotted to a new allottee.

6.In view of the above, the third respondent is directed to refund the amount of Rs.2,72,100/- paid by the petitioner with interest at the rate of 6% per annum from the date of his representation dated 11.02.2022 till the final payment, within a period of four weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

31.01.2025
(3/4)

NCC : Yes / No
Index : Yes / No
Internet : Yes
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G.K.ILANTHIRAIYAN, J.

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(3/4)