

(2010) 12 MAD CK 0340

In the Madras High Court

Case No : Writ Petition (MD) No. 14995 of 2010 and M.P. (MD) No's. 1 and 2 of 2010

S. Muthuraman

APPELLANT

Vs

The Managing Director and The Executive Engineer,
Administrative Officer

RESPONDENT

Date of Decision : 23-12-2010

Acts Referred:

Citation : (2010) 12 MAD CK 0340

Hon'ble Judges : N. Paul Vasanthakumar, J

Bench : Single Bench

Advocate : Party in Person, for the Appellant; Thilakkumar, for Kannan for TNHB, for the Respondent

Judgement

N. Paul Vasanthakumar, J.—The prayer in the writ petition is to quash the order dated 25.11.2010 giving direction to the Petitioner to pay a sum of Rs. 9,26,064/- and Rs. 1,000/-before 24.12.2010, failing which the allotment order issued in favour of him in respect of the house No. B-23, Housing Board Quarters, Ram Nagar, Devakottai will be cancelled and re-auction will be conducted.

2. The Petitioner was allotted the said house on 05.03.2001 on hire purchase basis. The final cost including the cost of the land was fixed at Rs. 4,23,150/-and the Petitioner was directed to pay a sum of Rs. 12,472/-towards interest and maintenance cost for a period of six months. The said amount was paid by the Petitioner. Now the balance payable by the Petitioner as final cost is Rs. 9,24,064/-. The amount arrived at in the notice is not disputed by the Petitioner, who is appearing as party-in-person. However, he has expressed his difficulty in paying the whole amount before 24.12.2010 and he has filed an additional affidavit today stating that he is ready to pay a sum of Rs. 2,00,000/-within a period of six weeks and he assured to pay the remaining amount within a period of six months thereafter.

3. The learned Counsel for the Respondents submits that since the amount is not

disputed by the Petitioner and he is agreeable to pay the entire amount as assured in the additional affidavit filed today, this writ petition may be disposed of by recording the said undertaking given in the affidavit.

4. In the light of the said submission as well as the assurance given by the Petitioner, who is appearing as party-in-person, this writ petition is disposed of giving liberty to the Petitioner to pay a sum of Rs. 2,00,000/-(Rupees two lakhs only) on or before 05.02.2011 and to pay the remaining amount before the end of August, 2011. Consequently connected miscellaneous petitions are closed.

5. It is made clear that if the Petitioner fails to pay Rs. 2,00,000/-, as assured by him in the additional affidavit, on or before 05.02.2011 or if he fails to pay the remaining amount, as assured by him in the additional affidavit, before the month of August, 2011, it is open to the Respondents to cancel the allotment and conduct re auction to sell the said house. No costs.