

G. Dhanalakshmi and Another Vs. The Executive Engineer and Admin. Officer

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Court : Chennai Madurai

Decided On : Mar-14-2016

Judge : B. Rajendran

Appeal No. : W.P(MD)Nos. 4930 & 4931 of 2016 & WMP(MD)Nos. 4427 to 4430 of 2016

Appellant : G. Dhanalakshmi and Another

Respondent : The Executive Engineer and Admin. Officer

Judgement :

(Prayer in W.P(MD)No.4930 of 2016:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order made in letter No.A3/M5/15 dated 18.01.2016 on the file of the respondent and quash the same as illegal and consequently directing the respondent to issue the sale deed to the petitioner to the MIG Plot No.5 at TNHB SMT Scheme, Aundipatti, Theni District without insisting further payment.)

Common Order

1. These writ petitions have been filed challenging the additional claim along with interest with regard to the earlier allotment to the Housing Board for plots.

2. According to the petitioners, the original demand only at the rate of Rs.186.70 per Sq.ft has already been paid and they also acknowledged the receipt of the same and suddenly, now they come forward with the alleged increase on the ground of Audit objection, which they are not entitled to. Therefore, the petitioners in both cases challenge the impugned order dated 18.01.2016.

3. The learned Standing Counsel appearing for the respondent brought to the notice of this Court that even earlier by proceedings No.C3/022119/2014 dated 29.10.2014, they have fixed the final cost for the land at the rate of Rs.200/-. The persons ought to have been charged at Rs.200/-. By mistake, they have fixed the cost only at Rs.186.70/- per Sq.ft. In fact, the same was also intimated to all the allottees, pursuant to which, final notice has been issued. Unfortunately, the mistake which crept earlier, was rectified later and already totally, 103 allotments were made in the Scheme and 40 persons have already paid day-by-day and now, the petitioners alone have come forward with the present writ petitions, alleging the said mistake.

4. Heard the learned Counsel appearing for the petitioners and the learned Standing Counsel appearing for the respondent.

5. On a careful perusal of the entire order, it is seen that the petitioners were allotted under the MIG scheme. According to them, the original cost of the land of Rs,2,71,300/- was paid. But, in the impugned order itself, they referred to the price fixation at Rs.200/- by virtue of the order dated 29.10.2014. Therefore, they only contended that in the order, the balance amount was sought to be paid and there is no discrepancy at all. In the order dated 29.10.2014, the resolution of the Board in its Res.No.6.02 dated 20.10.2014 has been referred to and it is extracted hereunder:

(Tamil)

6. The selling price of the plots at Rs.4,48,000/- was fixed by the Board which is a concession scheme was provided and in the order, it has been very clearly stated that the expenditure of the scheme should not exceed the costs of ground itself Rs.4,48,000/- and even the difference is Rs.19,300/-. Therefore, the petitioners got

housing plots by the Government at a concession rate and no one can object and there is not at all a discrepancy in the final costs arrived at in the Board Meeting.

7. Hence, I do not find any find any merit in the contention of the learned Counsel appearing for the petitioners and the writ petitions are liable to be dismissed. Accordingly, these writ petitions are dismissed. No costs. Consequently, the connected Miscellaneous petitions are closed.

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