

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 31.01.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM  
and  
The Hon'ble Mr. Justice N.PAUL VASANTHAKUMAR

Writ Appeal No.2281 of 2002

Erode Periyar Nagar Kudiyiruppure  
Nalam Nadum Sangam,  
(Reg.No.74/79)  
rep. by its President,  
No.L-312, 4<sup>th</sup> Main Road,  
Periyar Nagar, Erode-638 001. .... Appellant /Petitioner

Vs.

- 1.The Tamil Nadu Housing Board,  
through its Chairman,  
Madras-600 035.
- 2.The Executive Engineer and  
Administrative Officer,  
Tamil Nadu Housing Board,  
Periyar Nagar, Erode-638 009. .... Respondents/Respondents

Writ appeal filed under Clause 15 of the Letters Patent against  
the order dated 13.02.2002 made in W.P.No.6974 of 1995.

WP NO. 6974/95: Petition presentead under Article 226 of the  
Constitution of India to issue a Writ of mandamus from in any manner  
enforcing the demand for any enhanced payment in excess of the cost  
of house/flat stipulated in the firm allotment order of the second  
respondent published in Dinamalar dated 16.12.94 and as was  
originallly fixed by the respondents at the time of allotment of each  
house/flat to the members and in any manner enforcing the demand for  
arbitrary increase of costs of land as well as the house/flat for the  
issuance of the sale deeds to the members of the petitioner-  
association.

For Appellant	:	Mr.S.Silambanan
For respondents	:	Mr.S.Kasikumar for Mr.K.Chelladurai

## JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal is directed against the order dated 13.02.2002 made in W.P.No.6974 of 1995, in and by which, the learned single Judge, after finding that there are no merits in the claim of the petitioner-Sangam, has dismissed their writ petition.

2. Heard the learned counsel appearing for the appellant as well as the respondents.

3. In view of the order to be passed hereunder, we are of the view that it is unnecessary to refer all the factual details as stated by both parties.

4. However, it is suffice to dispose of the appeal with the following directions.

(i) It is open to the individual members of the petitioner-Sangam to make a demand with the Housing Board to furnish details, based on which the cost has been enhanced.

(ii) If any such demand is made, the Housing Board, within a period of two weeks from the date of receipt of such demand, shall furnish all the details/basis on which the cost has been enhanced.

(iii) It would be open to the individual members of the petitioner-Sangam to avail such remedy as is open to them in law.

5. The order of the learned single Judge dated 13.02.2002 made in W.P.N0.6974 of 1995 is modified to the above extent and the writ appeal is disposed of accordingly. No costs.

raa

Sd/

Asst. Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Chairman,  
Tamil Nadu Housing Board,  
Madras-600 035.

2.The Executive Engineer and  
Administrative Officer,  
Tamil Nadu Housing Board,  
Periyar Nagar, Erode-638 009.

1 CC TO MR.K. CHELLADURAI, ADVOCATE SR 5483

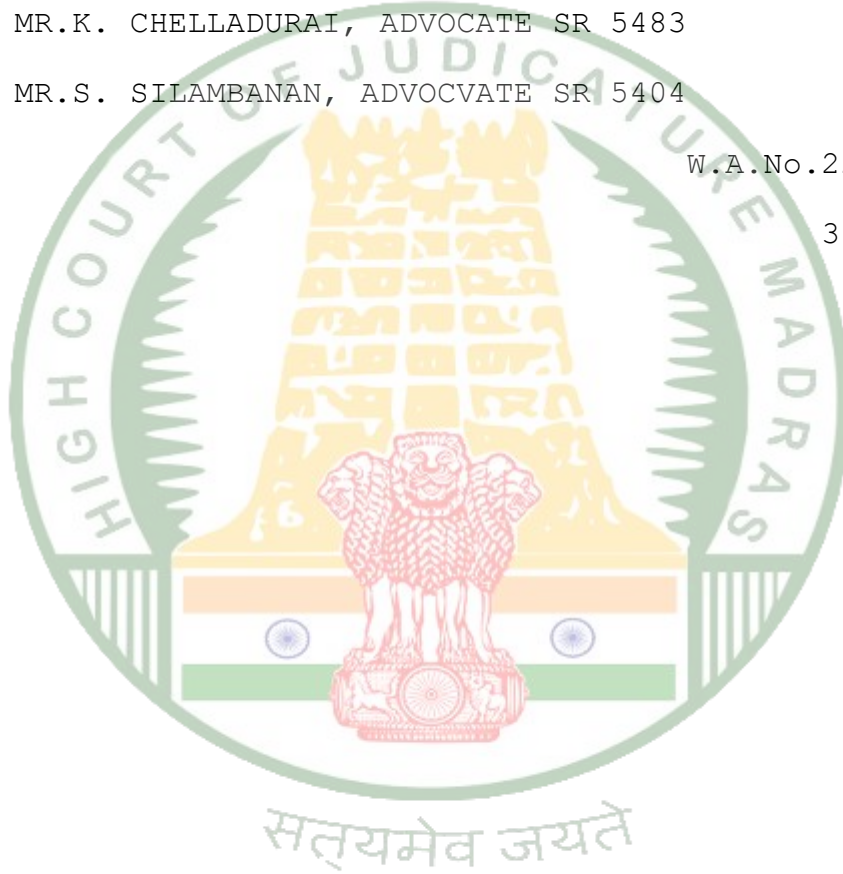
1 CC TO MR.S. SILAMBANAN, ADVOCATE SR 5404

W.A.No.2281 of 2002

31.01.2007

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