

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.2093/2002

(From the judgement and order dated 31/10/2001 in WP 7731/2001  
of The HIGH COURT OF MADRAS)

S. THIAGARAJAN

Petitioner (s)

VERSUS

STATE OF TAMIL NADU & ORS.

Respondent (s)

( With Appln(s). for exemption from filing O.T. and with prayer for  
interim relief )

Date : 11/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner (s) Mr. K. Parasaran, Sr. Adv.  
Mr. R. Thyagarajan, Sr. Adv.  
Mr. V. Balachandran, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

Heard.

By the impugned order the High Court has disposed  
of most of the controversies raised by the petitioner  
against him but permitted consideration by the Housing  
Board on three points, i.e., on levy of compound  
interest, interest on legal expenses and development  
charges. The only grievance raised by the learned senior  
..2/-

.2.

counsel for the petitioners, in which we find some  
substance is that at the end of para 49 of the order of  
the High Court it is observed :

.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP1

"It is impliedly meant that after

considering the representation of the allottees, if the housing board passed final orders, it may not be open to the petitioners once again to come before this court. Hence the question cannot be decided on the basis of the affidavit and counter."~

.....L....I.....T.....T.....T.....T.....T.....J  
.SP2

while at the end of its judgment the High Court has said :

.....L....I....T.....T.....T.....T.....T...J  
.SP1

"It would be then open to the petitioners to avail such remedy as is open to them in law."

.....L....I.....T.....T.....T.....T.....T.....J  
.SP2

By way of abundant caution we clarify that consideration on such issues, as have been finally determined by the High Court, cannot be re-opened, but so far as the issues left open by the High Court for hearing before the Housing Board are concerned, in the event of the decision being adverse to the petitioners, their right to pursue such remedy, as may be available to have under the law, including filing of the writ petition, is available to the petitioners. Subject to that clarification, the special leave petition is dismissed.

.SP1

Sarita (Radha Rani Bhatia)@@  
AA  
Court Master@@  
AAAAAAAAAAAAA

A