

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.21350 of 2014

S.Senthil Murugan

... Petitioner

vs.

1.The Government of Tamil Nadu
Rep by its Secretary,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.

2.The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandanam, Chennai-35.

3.The Executive Engineer and
Administrative Officer,
Hosur Housing Unit,
Tamil Nadu Housing Board,
Hosur-635 109
Krishnagiri Distict.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the 1st respondent dated 24.01.2011 and made in Letter No.15362/HB 4.2/10-3 and quash the same and further direct the 1st respondent to allot the House No.182, HIG-II, Hosur Phase-VII Housing Scheme of Hosur Housing Unit as per G.O.2(D)No.121, dated 21.06.2005.

For Petitioner : Mr.Umashankar for M.Selvam
For Respondents : Mr.V.Anandamurthy,
Standing Counsel.

O R D E R

The petitioner has filed this writ petition challenging the order passed by the 1st respondent and for a direction to the 1st respondent to allot the House No.182, HIG II, Hosur Phase VII Housing Scheme of Hosur Housing Unit in terms of G.O.2(D)No.121, dated 21.06.2005.

2. By virtue of the said Government Order, the petitioner was allotted two houses bearing House Nos.181 and 182 under the HIG II scheme in the Hosur Housing Unit. Subsequently, an order was passed stating that the allotment was canceled based on the request made by the petitioner. The petitioner was shocked to be informed of the same since according to the petitioner he has not applied for cancellation or surrender of the plots. Therefore, representations were submitted and since the same were not considered, the petitioner filed a writ petition before this Court in W.P.No.13209 of 2009, which was disposed of by order dated 03.08.2009 directing the 1st respondent to consider the representation after providing reasonable opportunity to the parties. Thereafter, legal notice was sent followed by several representations including the representations which were submitted in person. Subsequently, the petitioner's counsel was directed to attend a personal hearing along with the petitioner on 14.12.2010. The petitioner is said to have been attended the personal hearing on the said date and also subsequently submitted a detailed representation on 27.12.2010. Pursuant thereto, the impugned order has been passed. From the impugned order it is seen that the allotment in respect of one of the houses viz., House No.181 has been restored. However, the reason for cancellation of HIG-II House No.182 has not been stated in the impugned order and the impugned order merely stated that allotment of the second house is not feasible of compliance.

3. The learned counsel for the petitioner referred to G.O.Ms.No.29, Housing and Urban Development Department dated 29.01.2001, wherein, the Government has relaxed the said conditions regarding restriction of discretionary allotment to one plot or one house or one flat.

4. The learned Standing Counsel appearing for the respondents submitted that at present, the entire scheme relating to allotment of plots under discretionary quota has been revoked.

5. Be that as it may, the present issue relates to allotment in 2005 and from the impugned order it is seen that the first respondent has not assigned any reason as to why the second house cannot be allotted to the petitioner, though it was initially allotted vide G.O.2(D)No.121, dated 21.06.2005. Hence, to that extent, the impugned order calls for interference.

6. Accordingly, this writ petition is partly allowed and that portion of the impugned order with reference to HIG-II House No.182 in the said scheme stating it is not feasible of compliance stands quashed and the matter is remitted to the 1st respondent for fresh consideration and the 1st respondent shall pass a speaking order and intimate the petitioner as to why the allotment of the second

house is not feasible of compliance. The above direction shall be complied within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1.The Secretary,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
 - 2.The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandanam, Chennai-35.
 - 3.The Executive Engineer and
Administrative Officer,
Hosur Housing Unit,
Tamil Nadu Housing Board,
Hosur-635 109
Krishnagiri Distict.
- +1 cc to Mr.M.Selvam, Advocate,SR.15380
- +1 cc to Mr.V.Anandha Murthy, Advocate,SR.15022.

rv(co)
krd 31/3

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