

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.04.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.1997 of 2011 &
M.P.Nos.2 of 2011 & 1 of 2013

Selvaraj

.. Petitioner

vs

1. The Secretary to Government
Housing & Urban Development Dept.,
Chennai 9.

2. The Managing Director
T.N.H.B., Nandanam
Chennai 35.

3. The Executive Engineer cum
Administrative Officer,
Salem Housing Unit
Ayyanthiru Maligai Road
Salem 8.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to call for the records relating to Notification made on 19.12.2010 in Thinathanthi New Paper from the 3rd respondent and quash the same as illegal, improper, without following guidelines and directing the respondents to fix their fair rate at Rs.359/- per sq.ft.

For Petitioner : Mr.R.Margabandhu

For Respondents: Mr.V.Anandha Murthy

O R D E R

Heard Mr.R.Margabandhu, learned counsel for the petitioner and Mr.V.Anandha Murthy, learned counsel appearing on behalf of the respondents and with the consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with this Writ Petition for issuance of a writ of certiorarified mandamus to quash the

Notification dated 19.12.2010, issued by the third respondent and to direct the respondents to fix the rate at Rs.359/- per sq.ft.

3.The challenge is to an Advertisement issued by the Tamil Nadu Housing Board, calling for applications for sale of housing plots in various lay outs falling with the Salem Housing Unit jurisdiction.

4.The petitioner claims to be a resident of Attur and he has challenged the impugned paper notification on three grounds, firstly by contending that the rate per sq.ft. of land properties to be sold has been fixed at Rs.550/- per sq.ft. without assigning any reason and the rate per sq.ft. should not be more than Rs.359/- and that rate has been fixed as per the guideline value prevailing in 2009-10. The second ground is by contending that the impugned notification does not adhere to the guidelines issued by the Tamil Nadu Housing Board and the time to be granted after effecting publication, etc. and the third ground of challenge is by contending that the procedure followed for drawal of lots has not been adhered to.

5.Before examining the reply given by the respondents in their counter affidavit on all these allegations, it is seen that the petitioner has not disclosed as to whether he was an applicant for any one of the plots. This fact is conspicuously absent in the affidavit filed in support of the writ petition. The petitioner has also not stated as to how he was prejudiced by granting more than thirty days time as against thirty six days time which has been fixed by the Housing Board, which according to the petitioner is mandatory. Therefore, on these two grounds alone, the writ petition is liable to be dismissed.

6.Nevertheless, as the respondents have filed a Petition for vacating the interim order, the merits of the matter has also to be examined. It is seen that more than thirty days time was granted in order to invite more number of applications as the total number of plots is 220. Therefore, if there was a guideline fixing the time limit, the said guideline is only in the nature of a recommendation, and granting more time to respond to the advertisement than time fixed will not in any manner prejudice the rights of any applicant. Further more, the petitioner is put to no prejudice since he is not the applicant and has also not stated so in the affidavit filed in support of the writ petition. Further, with regard to the rates which has been fixed, a procedure has been adopted by the respondent Board as could be seen from the vacate stay petition, wherein it is stated that the calculation given by the petitioner is unreasonable and the rate fixed at Rs.550/- per sq.ft. is just and proper, which has been fixed considering the market value and the development cost to be incurred, etc. The

Tamil Nadu Housing Board being an non-profit organisation for developing houses and house sites, to be offered to persons without any immovable property at affordable rates, has correctly fixed the price and the said price has been approved by the Pricing Committee formed by the Government. Therefore, the second ground raised by the petitioner also deserves to be rejected. Further, with regard to the allegation that no procedure has been followed for the drawal of lots, the respondents have stated that after scrutiny of the application and getting concurrence from the Revenue authorities, the lots will be announced to the public through Newspapers.

7.This explanation is reasonable and proper. That apart, as already pointed out, the petitioner is not an aggrieved person, he has not applied for any plot and moreover the layout consists of more than 220 plots and the petitioner has unreasonably stalled the entire allotment process and deprived the other applicants from participating in the offer invited by the respondents.

8.Hence, for all the above reasons, the petitioner has not made out any case for interference. Accordingly, the Writ Petition fails and the same is dismissed. Consequently, the interim order granted in M.P.No.2 of 2011 stands vacated and M.P.No.1 of 2013 for vacating the interim order stands allowed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

rpa

To

1. The Secretary to Government
Housing & Urban Development Dept.,
Chennai 9.
2. The Managing Director
T.N.H.B., Nandanam
Chennai 35.

3. The Executive Engineer cum
Administrative Officer,
Salem Housing Unit
Ayyanthiru Maligai Road, Salem 8.

1 cc to Mr.V. anandhamurthy, Advocate, Sr. 23832

1 cc to mr.R.Margabandhu, advocate, sr. 23873

WP.No.1997 of 2011

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