

IN THE HIGH COURT OF JUDICATUARE AT MADRAS

DATED:6-8-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.18957 of 2015

S.Amirtham

... Petitioner

Vs.

- 1)The Secretary to the Government,
Housing and Urban Development Department,
Fort St. George,
Chennai-600 009.
- 2)The Registrar (Housing),
Nandanam Housing Board,
Nandanam, Chennai.
- 3)The Deputy Registrar,
(Housing),
Salem Region,
Salem District.
- 4)The President,
S.13,1324, B.Kumarapalayam,
Co-operative Building Society,
23, New Pallipalayam Road,
B.Kumarapalayam-638 183.
Namakkal District.
- 5)The Secretary,
S.13,1324, B.Kumarapalayam
Co-operative Building Society,
23, New Pallipalayam Road,
B.Kumarapalayam 638 183.
Namakkal District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to allot two shops in favour of the petitioner in the newly constructed building, B.Kumarapalayam, Namakkal District, belongs to the 4th and 5th respondent society.

For Petitioner :Mr.R.Chandrasekaran

For Respondents :Mr.V.Jayaprakashnarayanan
Spl.Govt. Pleader for R1
Mr.L.P.Shanmugasundaram for RR2 to 5

ORDER

The petitioner was in occupation of two shops in the building owned by the 5th respondent Cooperative Building Society and was doing business for the past 40 years and thereafter for development, the shops were demolished and new buildings have been put up. Since the petitioner was in occupation of the two shops, he sought allotment of two shops. In this regard, the petitioner has given a representation to the respondents on 1.6.2014.

2. Though, the respondents have allotted shops to various persons, no shop was allotted to the petitioner. The petitioner has come before this Court seeking Writ of Mandamus directing the respondents to allot two shops.

3. Heard Mr.R.Chandrasekaran, learned counsel appearing for the petitioner and Mr.V.Jayaprakashnarayanan, learned Special Government Pleader appearing for the first respondent and Mr.L.P.Shanmugasundaram, learned counsel appearing for respondents 2 to 5.

4. Learned counsel appearing for the respondents would submit that all the shops were already allotted, except the shop measuring with an extent of 400 sq.ft. and the 4th respondent is ready to allot the said shop to the petitioner subject to the condition that the petitioner pays the entire arrears of Rs.72,750/- and makes a payment of Rs.1,50,000/- as advance, which has been incorporated in paragraph-8 of the counter affidavit filed by the respondents 4 and 5. The petitioner has agreed for the said condition.

5. Therefore, the petitioner is directed to pay the old arrears of Rs.72,750/- within four weeks from the date of the receipt of a copy of the order and also to pay a sum of Rs.1,50,000/- towards advance. On such payments, the respondents 4 and 5 are directed to allot the shop in the first floor, measuring an extent of 400 sq. ft. to the petitioner within one week thereafter. Till such exercise is concluded, the respondents are directed not to allot the said shop to any third party. The respondents 4 and 5 are directed to fix the monthly rent on par with other tenants, who are already in occupation of the premises.

6. The petitioner already filed O.S.No.58 of 2015 before the learned District Munsif, Thiruchengode, seeking for allotment of the shop. Since the relief sought is granted by this Court, the suit filed by the petitioner shall stand dismissed by this order. After allotment, it is expected that the petitioner shall pay the monthly rent promptly without any default. Accordingly the writ petition is

disposed of. No costs. Consequently the connected M.P.Nos.1 and 2 of 2015 are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To:

- 1) The Secretary to the Government,
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Namakkal District.
 6. The District Munsif, Thiruchengode.
- 1 cc to Mr. L.P.Shanmugasundaram, Advocate Sr.No.40875
1 cc to Government Pleader.Sr.No.41063/15
1 cc to Mr.R.Chandrasekaran , Advocate Sr.No.40902/15

W.P.No.18957 of 2015

ak(co)pmk.28.8.2015