

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.24596 of 2015

S.Noor Mohamed

...Petitioner

/vs/

1.The Principal Secretary to
the Government of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai 600 009.

2.The Managing Director,
TNHB, No.331, Anna Salai,
Nandanam, Chennai 600 035.

3.The Executive Engineer,
Salem Housing Unit,
TNHB, Ayanthirumalai Road,
Salem 636 008.

...Respondents

Writ Petition filed under Article 226 of the Constitution
of India praying for issuance of a Writ of Mandamus directing the
respondents to sell the House Property bearing Door No.1, Model
House, Judge's Quarters, Yercaud Road, Salem 636 008.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.S.V.Duraisolaimalai
Addl.Government Pleader for R1
Mr.V.Anandhamurthy for R2 & R3

ORDER

The petitioner is said to be residing in Door No.1, Model House, Judge's Quarters, Yercaud Road, Salem 636 008 for quite number of years. He made a request to the respondents stating that taking into consideration the long number of years in occupation, the said house may be allotted to him. The respondents 2 and 3 have informed the same to the Government viz., the first respondent. The first respondent in turn informed the petitioner that there is no scheme or policy available to permit the occupant to claim ownership. In other words, it is to be stated that more period of occupancy cannot confer ownership. Therefore, the petitioner has come forward with this writ petition seeking a direction to the first respondent to sell away the house property in favour of the petitioner.

2.As the decision is a policy one, this Court cannot issue mandamus to the respondents compelling them to sell the property to the petitioner. In the absence of any vested rights for mere period of occupancy, this Court cannot confer such right. Hence, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

ari

To

1.The Principal Secretary to
the Government of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai 600 009.

2.The Managing Director,
TNHB, No.331, Anna Salai,
Nandanam, Chennai 600 035.

3.The Executive Engineer,
Salem Housing Unit,
TNHB, Ayanthirumalai Road,
Salem 636 008.

1 CC to Mr.V.Anandhamurthy, Advocate SR.No. 41379

1 CC to Mr.C.K.M.Appaji, Advocate SR.No.41430

1 CC to the Government Pleader, SR.No. 41601

NM (CO)
PSI (26.08.2015)

W.P.No24596 of 2015



WEB COPY