

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2015

Coram :

The Hon'ble Mr.Justice N.KIRUBAKARAN

W.P.No.28646 of 2015

Chinnamani

...

Petitioner

vs

1.The State of Tamil Nadu rep.by
its Secretary to Government Municipality
Administration and Water Supply Department,
Fort. St.George, Chennai - 9.

2.Pollachi Municipality rep.by its
Commissioner, Pollachi.

3.Director of Municipal Administration
Chepauk, Chennai - 5.

...

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issue of writ of certiorarified mandamus calling for the records on the file of the 2nd respondent bearing Na.Ka.EN:59/2015/G1, order dated 23-02-2015 passed by the 2nd respondent and to quash the same and consequently direct the respondents to allot one house plot to the petitioner which is situated in Survey No.442/a, 2b 442/3 and 442/4 in Vadugapalayam in Pollachi Municipality.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.Rm.Muthukumar,

Govt. Advocate for R1 & R3.

Mr.M.Srinivasan for R2

सत्यमेव जयते

O R D E R

The petitioner is the wife of late Ayyasamy who worked as bill collector under the second respondent Municipality. Her husband retired from services long back and died on 07.03.1996. On 22.09.1967 itself the petitioner's husband and other employees have applied for allotment of house sites. The first respondent issued G.O.Ms.No.251 dated 11.12.2008 granting house sites to 110 employees of the second respondent Municipality. The petitioner also applied for it and she did get it. Therefore, the petitioner gave representation to the second respondent and the said representation was rejected by order dated 23.02.2015. The said order is being challenged before this court.

2. Heard Mr.Thirumoorthy, learned counsel appearing for the petitioner and Mr.Rm.Muthukumar, learned Government Advocate appearing for the first and third respondent. Mr.N.Srinivasan, learned counsel takes notice on behalf of the second respondent.

3. It is an admitted case that the petitioner's husband retired long back and he died on 07.03.1996. The age of the petitioner is 70 years and the allotment of land for 110 persons was done as early as 11.12.2008. Even before that, the petitioner's husband died and hence there is no provision for allotment of house or house sites to the person who already retired. When that is the position, it is not understandable as to how the petitioner can approach the respondent.

4. The learned counsel for the petitioner would point out that the petitioner is the legal heirs of the ex-employee. A perusal of the Government Order would show that the allotment of house site is only for the people who died during the service and not for the people who retired and thereafter died. If the petitioner's contention has to be accepted, lakhs and crores of people may come before this court under similar situation. This petition is nothing but an abuse of process of law. Hence, the petition fails.

5. In the result, this writ petition is dismissed. No costs.

-s/d-

Assistant Registrar(CSII)

dt:29/9/2015

True Copy

Sub-Assistant Registrar

rgr
To

1.The Secretary to Government
Municipality Administration and
Water Supply Department,
Fort. St.George, Chennai - 9.

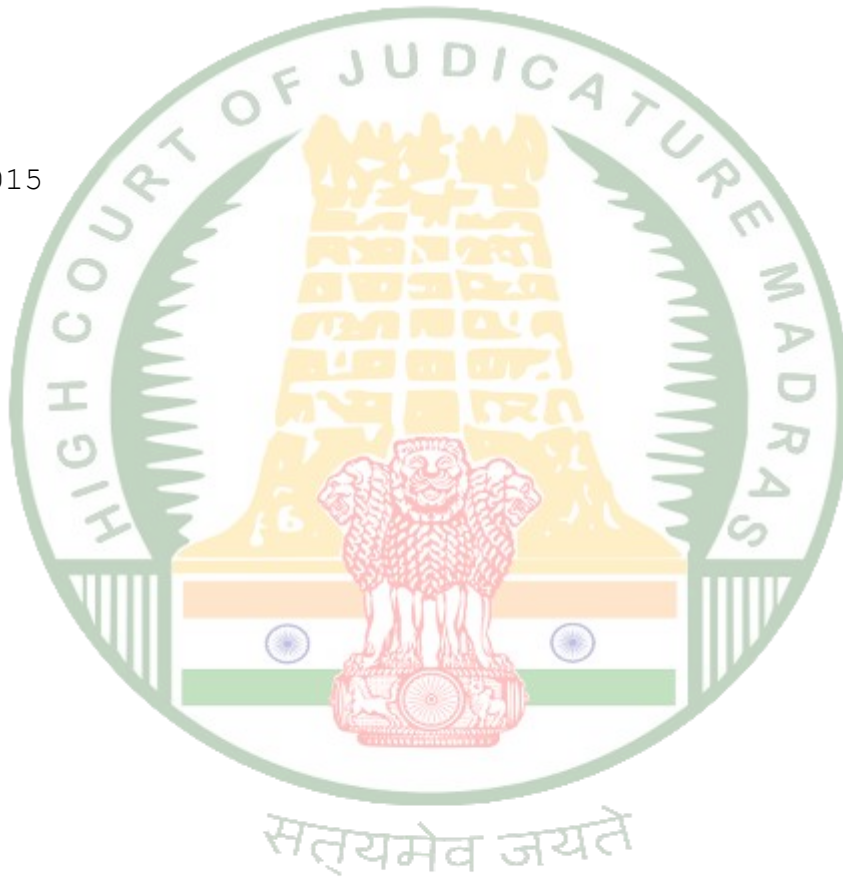
2.The Commissioner,
Pollachi Municipality, Pollachi.

3.The Director of Municipal Administration
Chepauk, Chennai - 5.

+1 cc to Mr.R.Thirumoorthy Advocate sr.49559
+1 cc to the Government pleader sr.49983

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