

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2015

Coram :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No.35136 OF 2013

M. Subramani

.. Petitioner

vs.

1. The Executive Engineer
and the Administrative Officer,
Tamilnadu Housing Board,
J.J. Nagar Division,
Thirumangalam,
Chennai 600 101.
2. The Superintending Engineer,
Tamilnadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai 600 035.
3. The Managing Director,
Tamilnadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai 600 035.
4. The Under Secretary to Government,
Housing and Urban Development,
Fort St. George,
Chennai.

5. Mr. A. Ramakrishnan,

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 1st respondent dated 3.9.2012 in letter No.J.J.A4/1694/2012 in favour of the 5th respondent and quash the same and direct the 1st respondent to allot the Plot No.A3 at Mogappair ERI Scheme to the petitioner.

For Petitioner

: Mr. N. Moorthi

For Respondents : Mr.V. Ananthamurthy
Government Advocate (R1 to R3)
Mr. R.Vijayakumar
Addl. Government Pleader (R4)
No appearance for R5

O R D E R

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for respondents 1 to 3 and learned Additional Government Pleader appearing for the fourth respondent. There is no representation on behalf of 5th respondent.

2. The Petitioner in this Writ Petition prays for issuance of Writ of Certiorarified Mandamus to quash the order passed by the 1st respondent which is an order of allotment of plots under HIG category at Mogappair Eri Scheme allotted to the 5th respondent by the 1st respondent Housing Board.

3. The only ground on which the petitioner has questioned the allotment order in favour of the 5th respondent is that he has come to know that the 5th respondent has stated that his annual income is only Rs.25,000/- and therefore he is not entitled for applying for the allotment of Plot under HIG category, wherein, the annual income should be Rs. 4,40,000/-.

4. It is seen that in this writ petition, notice was not issued to the respondents and allotment is pending since January 2014 and the matter has been adjourned at request of the petitioner.

5. Be that as it may. Counter affidavit has been filed by the respondent to clarify the factual position. It is stated that the 5th respondent in his application has mentioned his annual income as Rs.2,50,000/-, however furnished income tax certificate for Rs.16,67,367/- along with the application form and based on income tax certificate, application of the 5th respondent was included in the draw of lots on 24.8.2012 and in that draw of lots, 5th respondent became the successful and therefore he was allotted Plot A3 at Mogappair Eri Scheme.

6. In the light of the stand taken above, the contentions raised by the petitioner appears to be factually incorrect since the respondent did not state that his income was 25,000/-, but stated that it as Rs.2,50,000/- by producing proof by way of furnishing income tax certificate for Rs.16,67,367/-. Therefore the 5th respondent was found eligible for allotment of plot and

his name was included in the drawal of lots. In fact, the petitioner's name also was included in the drawal of lots, but it appears that he has been kept under the waiting list .

7. In the light of the above fact, the petitioner has not made out any grounds to interfere with the order of allotment made in favour of the 5th respondent on 3.9.2012. That apart, the Writ Petition itself has been filed more than one year after the allotment was made in favour of the 5th respondent. Hence, no grounds are made out to quash the impugned proceedings passed by the 1st respondent. Therefore this Writ Petition is dismissed. No costs. Consequently, the connected M.P.Nos.1 and 2 of 2013 were closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

msr

To

1. The Executive Engineer
and the Administrative Officer,
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1 cc to Government Pleader, sr. 7573

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