

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.10915 of 2016

P.A.Nabisha

... Petitioner

vs.

1. The State Government,
Represented by its
Secretary to Government,
Housing and Urban Development
Department,
Fort St. George, Chennai-9.
 2. The Tamil Nadu Housing Board,
Represented by its Managing Director,
Nandanam, Chennai-35.
 3. The Executive Engineer,
Anna Nagar Division,
T.N. Housing Board,
Thirumangalam, Chennai-101.
- ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to dispose the appeal made on 13.3.2015.

For Petitioner : Mr.G.Ranganathan

For Respondents : Mrs.P.Rajalakshmi,
Govt. Advocate,
for R.1
Mr.V.Ananthamoorthy,
for R.2 and R.3

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to dispose the appeal made on 13.3.2015.

3. The case of the petitioner, in brief, is as follows:-

(a) The petitioner's husband K.A.Shahul Hameed submitted an application to the Tamil Nadu Housing Board for purchase of a LIG plot in Manali Phase-I scheme in the year 1989. After scrutinizing his application, the Tamil Nadu Housing Board allotted a LIG plot bearing Plot No.2/269 measuring to an extent of 1000 sq.ft. for a total sale consideration of Rs.16,368/-. Her husband paid the initial deposit of Rs.1,600/- being 10% of the value of the said plot on 19.6.1989. The balance of Rs.14,768/- was to be paid in 180 monthly instalments of Rs.178/- per month, besides Rs.5/- per month towards maintenance, commencing from October, 1989. The possession of the plot was handed over to her husband by the third respondent on 30.4.1990 and her husband was paying the instalments upto May, 1998. While so, her husband died on 30.6.1998.

(b) After the death of her husband, the petitioner became the sole bread winner of the family and she could not pay the monthly instalments regularly. Thereafter, on 15.10.2005, she received a communication from the office of the second respondent, wherein it was stated that a sum of Rs.13,176/- was paid upto 31.3.2004. Thereafter, the petitioner contacted the third respondent and offered to pay the entire dues in lumpsum. Accordingly, as per their instruction, she remitted a sum of Rs.5,000/- on 15.11.2005. However, the sale deed was not executed in her name. Hence, the petitioner submitted a representation dated 6.3.2013 to the third respondent and the third respondent orally informed her that the allotment was cancelled and a proposal for revocation of cancellation of allotment was sent to the second respondent. Further, the second respondent asked her to contact him after two months. Accordingly, on 10.5.2013, the petitioner contacted the third respondent in person and she was informed that the proposal for revocation of cancellation of allotment was rejected on account of non-production of original allotment file. But, the original allotment file should have been available with the third respondent.

(c) Thereafter, the petitioner sent representations dated 21.5.2013 and 26.7.2013 to the second respondent requesting him to execute the sale deed in her favour. In these situation, the petitioner received a letter from the third respondent in the month of July, 2013, stating that her revocation of cancellation of allotment was rejected by the Revocation Committee vide resolution dated 21.3.2013. Immediately, she sent a representation to the respondents 2 and 3. Thereafter, she received a letter dated 8.1.2014 from the third respondent, wherein she was asked to contact them before 20.1.2014 with relevant documents.

(d) As per the direction of the third respondent, the petitioner appeared before the third respondent on 10.7.2014 and submitted all the documents required by them. Thereafter, she received a letter from the third respondent, wherein it has been stated that the revocation committee decided to revoke the cancellation of allotment and the petitioner was directed to remit a sum of Rs.4,34,967/- in one lumpsum within 60 days from the date of receipt of the letter and in the event of failure, the plot would be sold in auction without any prior intimation to the petitioner. Challenging the same, the petitioner preferred an appeal before the first respondent on 13.3.2015. Since the same was not disposed of till date, the petitioner has come up with the present writ petition for early disposal of the said appeal.

4. I have heard the learned counsel appearing for the petitioner, learned Government Advocate, who has taken notice on behalf of the first respondent and the learned counsel who has taken notice on behalf of the respondents 2 and 3.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the first respondent to dispose the appeal of the petitioner dated 13.3.2015, on merits and in accordance with law, as expeditiously as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.
sbi

s/d-
Assistant Registrar(CS-III)
True Copy
Sub-Assistant Registrar

To

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-9.
2. The Tamil Nadu Housing Board,
Represented by its Managing Director,
Nandanam, Chennai-35.
3. The Executive Engineer,
Anna Nagar Division, T.N. Housing Board,
Thirumangalam, Chennai-101.

+ 1 cc to M/s.G.Ranganathan, Advocate, SR 18372
+ 1 cc to M/s.V.Anandhamoorthy, Advocate, SR 18609

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