

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23/3/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.201 of 2016

S.S.Kathirvel

... Petitioner

Vs

1. The Secretary to Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George
Chennai 600 009.

2. The Managing Director
Tamil Nadu Housing Department
Chennai 600 035. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the first respondent pertaining to his Letter No.19694/Ve.Va.2(2)/2015-1 dated 26/10/2015 and quash the same and further direct the respondents to allot a rental quarters in the ground floor portion of the Government servants Housing quarters, Peters Colony, Chennai 14 to the petitioner based on his Regn.No.646 dated 5/1/2004.

For Petitioner ... Mr.M.Selvam

For respondents ... Mr.V.Jayaprakash Narayanan
Special Government Pleader
for R.1.

Mr.V.Anandhamoorthy for R.2.

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O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal.

2. Heard Mr.M.Selvam, learned counsel for the petitioner, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader for the first respondent and

Mr.V.Anandhamoorthy for the second respondent.

3. This writ petition has been filed praying to quash the order passed by the first respondent in Letter No.19694/Ve.Va.2(2)/2015-1 dated 26/10/2015 and further direct the respondents to allot a rental quarters in the ground floor portion of the Government servants Housing quarters, Peters Colony, Chennai 14 to the petitioner based on his Regn.No.646 dated 5/1/2004.

4. In the affidavit filed in support of the writ petition, it is stated that the first respondent, in Letter No.2085/Ve.Va.2(2)/2012-3, dated 6/3/2012, allotted a housing quarters in 10/25, 3rd Floor, Government Servant Quarters, Peters Colony, Chennai 600 014. Since the petitioner's aged parents is suffering from orthopedic and other old age related ailments, the petitioner had requested the respondents, to cancel the allotment and also requested to allot a ground floor portion, without altering the seniority, by letters dated 2/4/2012, 23/4/2012, 30/4/2012 and 14/5/2012. But the respondents had cancelled the allotment of the petitioner, vide letter, dated 15/5/2012 and further directed recovery of rent, for the period even though the petitioner did not occupy the quarters.

5. Since the second respondent had decided to demolish the entire building, the petitioner should vacate the building on notice of demolition. The petitioner gave a letter to the first respondent, requesting cancellation of allotment and the first respondent, by his letter, dated 12/11/2013, cancelled the allotment.

6. The petitioner had registered for a government quarters in the year 2004. Even after ten years, he did not get the same. Since the petitioner has not been allotted any quarters, after the cancellation, dated 12/11/2013, the petitioner gave a representation, dated 17/9/2015 wherein the petitioner had made all the references and requested the first respondent to allot a ground floor portion in Peter's Colony, Government Servants Quarters based on his seniority from the year 2004.

7. But vide letter dated 26/10/2015, the first respondent had averred that allotment is made only on the basis of seniority in registration and that the allotment shall be made only once. Hence the petitioner had come forward with the present writ petition praying for the relief as stated above.

8. In the counter affidavit filed by the first respondent in support of the writ petition, it is stated that the petitioner is not entitled to get allotment afresh by restoring the seniority in the year 2004. The rental quarters under Tamil

Nadu Government Servants Rental Housing Scheme cannot be claimed as a matter of right. Therefore, the facts mentioned in Letter No.19694/Ve.Va.292/2015, dated 26/10/2015 are correct and thus, prays this Court for the dismissal of the writ petition.

9. From the materials available on record, it is made clear that once the order of cancellation was passed, by keeping the same seniority in allotment cannot be made. Instead of submitting the medical certificates, to strengthen his case, the petitioner had made consecutive petitions through Chief Minister Special Cell.

10. Considering the facts and circumstances of the case and upon hearing the learned counsel appearing on either side, this Court is of the opinion that the petitioner is not entitled to get allotment afresh by restoring the seniority and moreover, the allotment is being made only on rotation basis which is clearly mentioned in G.O.Ms.No.203, Housing and Urban Development {HB3(1)} Department, dated 28/4/1994.

11. Under such circumstances, I do not find any illegality in the order passed by the first respondent and the writ petition is liable to be dismissed.

12. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George
Chennai 600 009.

2. The Managing Director
Tamil Nadu Housing Department
Chennai 600 035.

+1 cc to Mr.M.Selvam Advocate sr.18613/16
+1 cc to Mr.V.Anandhamoorthy Advocate sr.18958/16
+1 cc to Government Pleader sr.18686/16

W.P.No.201 of 2016

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