

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2016

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29880 of 2016

V.Palaniappan & Co.
Registered Partnership Firm
Represented by its Partner
V.Palaniappan

... Petitioner

Vs.

1 State of Tamil Nadu rep. by
The Secretary to Government
Housing & Urban Development Department,
Fort St.George,
Chennai – 600 009.

2 The Managing Director,
Tamil Nadu Housing Board,
Anna Salai,
Nandanam,
Chennai-35.

3 The Executive Engineer,
Tamil Nadu Housing Board,
Bahalur Road,
Hosur – 635 109.
Krishnagiri District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to issue regular Allotment Order to the petitioner for commercial Site No.94A, Phase II,
Krishnagiri Neighbour Hood Scheme pursuant to G.O.No.(2D).No.137,

Housing and Urban Development Department dated 17.06.2004 issued by 1st respondent and handover the vacant site to the petitioner after following the due procedures within the time to be stipulated by this Honourable Court.

For Petitioner : Mr.R.Bharath Kumar
For Respondents : Mr.S.V.Durai Solaimalai for R1
Additional Government Pleader
Mr.V.Anandamoorthy for R2 and R3

O R D E R

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

2.The grievance expressed by the petitioner is that though, he was allotted Commercial Site No.94A, Phase II, Krishnagiri N.H.Scheme vide letter of the third respondent dated 16.09.2004 in Letter No.R2/6019/04, no further orders have been passed fixing the land cost and the possession of the same is yet to be handed over to him and in this regard, submitted representations dated 29.01.2013 as well as 04.12.2013 and despite the receipt of the representations, no orders have been passed and hence, came forward to file this writ petition.

3.Heard the submissions of Mr.R.Bharath Kumar, learned counsel appearing for the petitioner, Mr.S.V.Durai Solaimalai, learned

Additional Government Pleader who accepts notice on behalf of the first respondent and Mr.V.Anandamoorthy, learned counsel who accepts notice on behalf of the respondents 2 and 3 and on instructions, he would submit that the Plot No.94A, has already been allotted in favour of one Nagarajan as early as on 14.05.2001 and sale deed has also been executed on 23.06.2005 and therefore, the alternate plot, if any, is to be allotted only by the first respondent.

4.This Court in the light of the above submissions made, permits the petitioner to submit a representation to the first respondent, enclosing a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and the first respondent on receipt of the same, is directed to consider the said representation, in accordance with law, after eliciting response from the respondents 2 and 3 and pass orders, within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner.

5.The writ petition is disposed of accordingly. No costs.

29.08.2016

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Index: Yes/ No
Internet: Yes/ No

M.SATHYANARAYANAN,J.
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To

- 1 The Secretary to Government
Housing & Urban Development Department,
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Chennai – 600 009.
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