

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.5881 of 2016

and WMP.No.5239 of 2016

K.M.Thangaraj

President of TNHB colony Residential Welfare
Association (Regn.No.359/1996)
HIG 921, TNHB Colony,
Velachery West, Chennai-42.

.. Petitioner

Vs.

1.The State of Tamil Nadu
Represented by its Secretary
Housing and Urban Development Department
Secretariat, Chennai.

2.Tamil Nadu Housing Board
Represented by its Chairman
493, Anna Salai, Nandanam, Chennai-35.

3.The Executive Engineer & Administrative Officer
Besant Nagar Division
TNHB Dr.Muthulakshmi Salai,
Adyar, Chennai-20.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus forbearing the second respondent from allotting any flats for its proposed construction of 24 MIG MSB Flats under the self financing scheme at Velacherry S&S Scheme in S.No.123 part of Velacherry Village, Velacherry Taluk, Chennai District without allotting appropriate park space for the benefit of the petitioners in accordance with the original sanctioned plan.

For Petitioner : M/s.Suhrith Parthasarathy

For respondents : Mr.Gomathinayagam, AAG
assisted by Mr.V.Anandhamoorthy.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus forbearing the second respondent from allotting any flats for its proposed construction of 24 MIG MSB Flats under the self financing scheme at Velacherry S&S Scheme in S.No.123 part of Velacherry Village, Velacherry Taluk, Chennai District without allotting appropriate park space for the benefit of the petitioners in accordance with the original sanctioned plan.

3.The main grievance of the petitioner association is that Conversion of public purpose plot R.47 and mini-shopping complex R.55 are allotted for public purpose/commercial purposes, now the respondents converted the said plots into residential purposes. Challenging the same, the petitioner association filed the present writ petition.

4.The learned Additional Advocate General appearing for the respondents submitted that by an order dated 09.07.2010, the Member Secretary, Chennai Metropolitan Development Authority has already converted the said plots into residential plots, therefore the prayer sought for in this writ petition is not maintainable.

5.Heard the submissions of learned counsel appearing for the petitioner and the learned Additional Advocate General who accepts notice on behalf of the respondents.

6.In view of the above stated position, this writ petition is dismissed. The petitioner is at liberty to challenge the said order dated 09.07.2010 before the appropriate forum, in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

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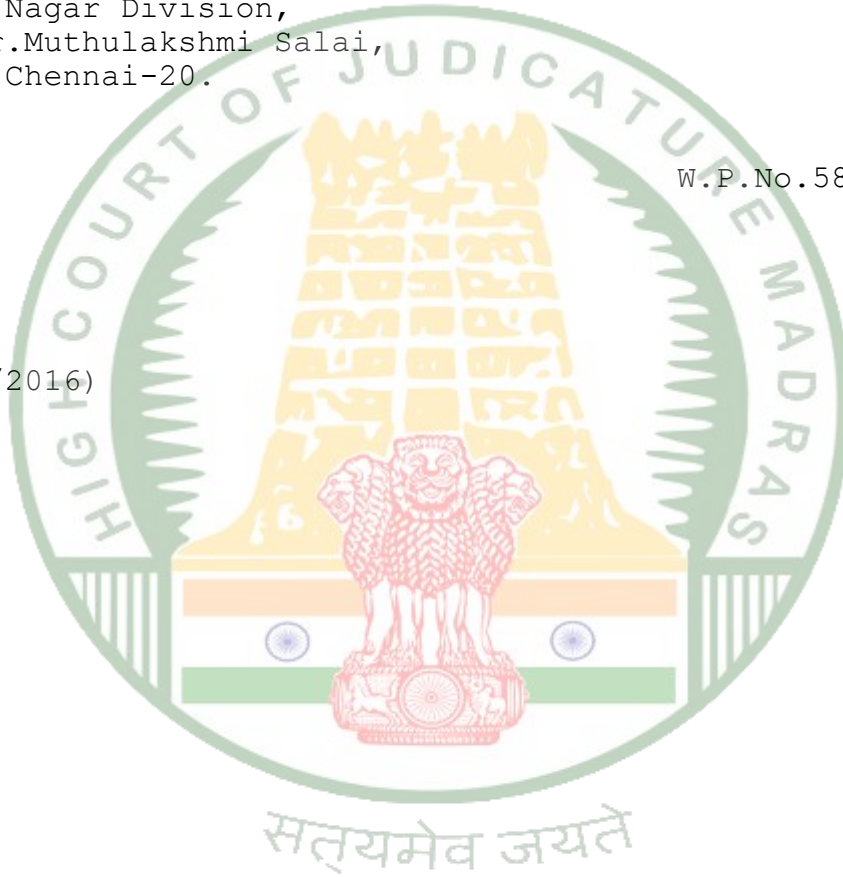
Sub Assistant Registrar

To

- 1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai.
- 2.The Chairman,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam, Chennai-35.
- 3.The Executive Engineer & Administrative Officer,
Besant Nagar Division,
TNHB Dr.Muthulakshmi Salai,
Adyar, Chennai-20.

W.P.No.5881 of 2016.

svi (CO)
srg (03/03/2016)



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