

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.10.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Writ Petition No.8511 of 2016
and
WMP.No.7578 of 2016

A.Sampath Raja

.. Petitioner

Versus

1. Government of Tamil Nadu,
Represented by its
Secretary to Government
Housing & Urban Development,
Department, Chennai 600 009.
2. The Tamil Nadu Housing Board,
Represented by its Chairman and
Managing Director,
Nandanam, Chennai 600 035.
3. Executive Engineer and
Administration Officer,
Anna Nagar Division,
Tamil Nadu Housing Board,
Thirumangalam, Chennai 600 1

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records in respect of the impugned letter No.A.No.A-II.3/6120-A/90 dated 08.02.2016 issued by the third respondent, quash the same and direct the respondents to allot the plot No.206 at karattur Scheme Area to the petitioner by refixing the value of the plot.

For Petitioner : Mr.A.P.Peter Gunasekaran

For Respondents : Mr. A.Kumar
Spl.Govt.Pleader

O R D E R

Challenging the order dated 08.02.2016, calling upon the petitioner to pay the value of his property, the petitioner has come up with the present writ petition.

2. According to the petitioner, the petitioner had applied to the Government for allotment of a plot in anyone of the second respondent's scheme areas. The first respondent in G.O.Ms.No.2033 Housing and Urban Development Department, dated 31.12.1987 allotted plot No.206 at Korattur Scheme area in favour of the petitioner. Since no action was taken by the second respondent, the petitioner was neither put in possession of the plot nor was called upon to pay the initial deposit before the second respondent, even after the expiry of two years. Thereafter, he sent a representation on 16.10.1989 to the first respondent, but the first respondent did not consider the same. Hence, the petitioner filed a writ petition in W.P.No.12362 of 1990, which was dismissed by this Court. In view of the dismissal of the writ petition, the petitioner was constrained to challenge the order of the first respondent in G.O.Ms.No.341, Housing and Urban Development Department, whereby the first respondent has stating that irregularities had been committed while allotting plots cancelled the allotments given under discretionary quota in various persons. The petitioner has filed another writ petition in W.P.No.2891 of 1991 before this Court, which was allowed on 01.12.1998 by setting aside the order in G.O.Ms.No.341 dated 10.03.1990 by remitting the matter to the first respondent for passing appropriate orders after giving opportunity to the petitioner to put forth his claim. Thereafter, the petitioner has sent several representations to the authorities on various dates. But the respondents are not considered the same, which compelled the petitioner to file a writ petition in W.P.No.2303 of 2016 to consider his representation and comply with the order of this Court in W.P.No.2891 of 1991 dated 01.12.1998. By an order dated 28.01.2016, the said writ petition was disposed of by directing the Cost Fixation Committee to take final decision pertaining to the petitioner on the fixation of cost within a period of three months from the date of receipt of that order. Pursuant to the same, the subject matter was placed before the Board and the Board was approved by the Resolution 9.03 dated 22.12.2015. Accordingly, as per the guideline value, the Board has fixed the cost of the Plot at Rs.59,52,000/- at the rate of Rs.4000/- per sq.ft.to an extent of 1488 sq.ft.and informed to the petitioner to pay the cost of the Plot within 30 days from the date of receipt of the letter dated 08.02.2016. Challenging the same, the petitioner has come forward with the present writ petition.

3. Per contra, the second respondent has filed a counter affidavit, in which, it is stated that the Government have allotted the plot No.206, Korattur Scheme, in favour of the petitioner among the other persons under Government Discretionary Quota in G.O.Ms.No.2033, Housing and Urban Development Department dated 31.12.1987. As the Cost of the Plot was not fixed at the time of the allotment, no provisional

allotment or intimation given to the petitioner. It is further stated therein that as per the order passed by the Hon'ble Division Bench of this Court in W.A.No.635 of 2009, dated 08.06.2009, the Government have empowered to withdraw or cancel the G.O.issued under Discretionary Quota and the petitioner cannot compel the respondent to fix the rate of the Plot as per the allotment G.O.issued during the year 1987. It is also stated therein that as per the order dated 28.01.2016 made in W.P.No.2303 of 2016. By stating so, the respondents pray for dismissal of this petition.

4. Heard both sides and perused the materials available on record.

5. It is not in dispute that the plot No.206 measuring to an extent of 1,170/- sq.ft at Korattur scheme area, belongs to Tamil Nadu Housing Board and the same was allotted by the Government under discretionary quota to various persons, one among them was the petitioner herein. However, due to some irregularities, such allotment of plots during the period from 24.12.1997 to 31.1.1998 vide G.O.Ms.No.341, Housing and Urban Development Department dated 10.03.1990, based on the recommendation of the Tamil Nadu Housing Board, was subsequently, cancelled. It is also pertinent to mention that even in the writ petition filed by the petitioner with regard to allotment of Plot No.206 in Korattur Scheme Area, he has not succeeded. Thereafter, only as per the direction of this Court in W.P.No.2303 of 2016 dated 28.01.2016, the matter was placed before the Board, which approved the same vide Resolution No.9.03 dated 22.12.2015. Accordingly, as per the guideline value, the Board has fixed the cost of the plot at Rs.59,52,000/- at the rate of Rs.4,000/- per sq.ft to an extent of 1488 sq.ft. and directed the petitioner has to pay the cost of the plot within 30 days by the impugned letter dated 08.02.2016. This Court finds no reason to interfere with the same, as the impugned letter has been sent to the petitioner, as per the rules and regulations of the Board.

6. Hence this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS-II)

//True Copy//

Sub-Assistant Registrar

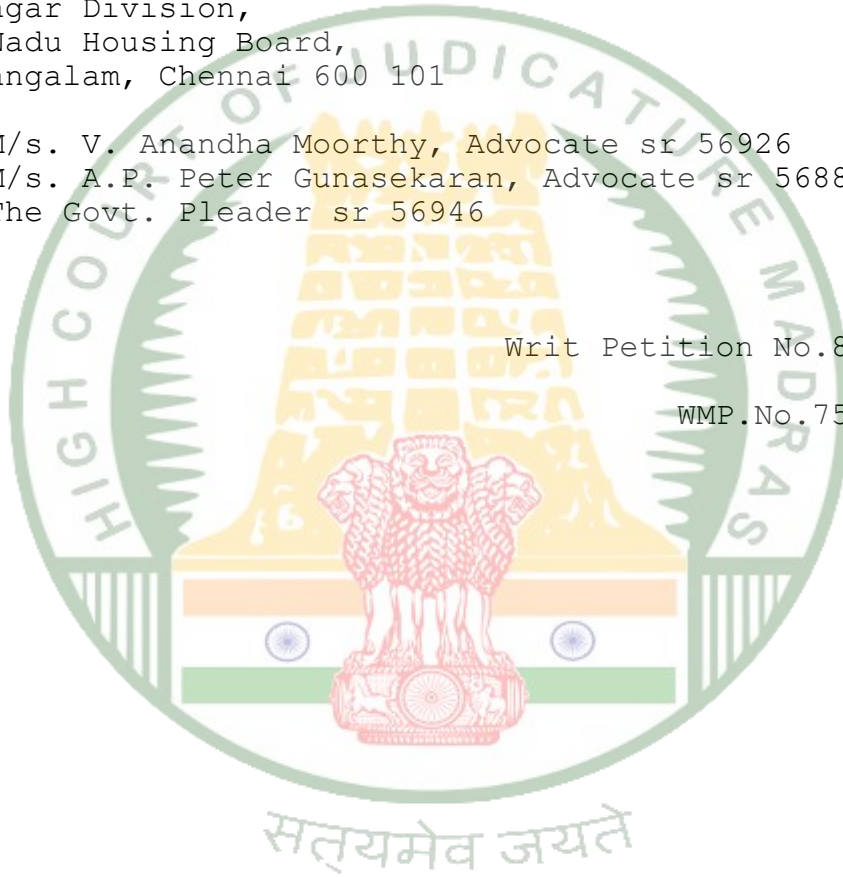
To

1. The Secretary to Government
Government of Tamil Nadu,
Housing & Urban Development,
Department, Chennai 600 009.
2. The Chairman and Managing Director,
Nandanam, Chennai 600 035.
3. Executive Engineer and
Administration Officer,
Anna Nagar Division,
Tamil Nadu Housing Board,
Thirumangalam, Chennai 600 101

+1 CC to M/s. V. Anandha Moorthy, Advocate sr 56926
+1 CC to M/s. A.P. Peter Gunasekaran, Advocate sr 56887
+1 CC to The Govt. Pleader sr 56946

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CP (CO)
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