

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2017

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.23067 of 2017

V.Palanivelu

[Petitioner]

Vs

1. Tamil Nadu Housing and Urban Development Department,
rep. By its Secretary,
Secretariat, Chennai 600 002.
 2. The Municipal Commissioner,
The Mannarkudi Municipality
Mannarkudi
 3. The Director,
Tamil Nadu Urban Finance and Infrastructure Development Corporation Ltd.,
A Government of Tamil Nadu Undertaking,
Having regd. Office at
No.490/1-2, Anna Salai,
Nandanam, Chennai 600 035.
- [Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 2nd respondent to consider the representation of the petitioner dated 27.04.2017 and take further steps thereon.

For Petitioner : Mr.Swami Subramanian

For Respondents : Mr.O.Selvam, GA

ORDER

Mr.O.Selvam, learned Government Advocate takes notice for the respondents. By consent, the main writ petition is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a writ of mandamus directing the 2nd respondent to consider his representation dated 27.04.2017 and take further steps.

3. It is the case of the petitioner that his father late Venkatachalam made an application dated 28.08.1986 for the allotment of plot on the basis of lucky draws to the 2nd respondent. In pursuance of the said application, a lucky draw was made on 10.10.1990. The 2nd respondent issued a notice dated 12.10.1990 intimating that his father was allotted Plot No.17 in Pookkollai/Bamani, Mannarkudi Taluk, Nagapattinam District. Further, according to the petitioner, by letter dated 20.10.1990, the 2nd respondent has fixed the price for the plots and called upon the petitioner's father to pay a sum of Rs.1,000/-, which, according to the petitioner was paid on 29.10.1990. However, no sale deed was executed in favour of the petitioner's father. In the meantime, the petitioner's father died on 07.11.1996, leaving behind the petitioner, his mother and his sisters, as legal heirs. Now, after the lapse of 27 years, the petitioner, has filed the present writ petition, seeking for a direction to consider his representation for the execution of the sale deed.

4. Since the petitioner has slept over for a long period, i.e., more than 27 years, which was totally not explained by him in any manner whatsoever, I am of the view that the writ petition is liable to be dismissed on the ground of laches. Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1. The Secretary,
Tamil Nadu Housing and Urban
Development Department,
Secretariat, Chennai 600 002.

2. The Municipal Commissioner,
The Mannarkudi Municipality
Mannarkudi

3. The Director,
Tamil Nadu Urban Finance and
Infrastructure Development Corporation Ltd.,
A Government of Tamil Nadu Undertaking,
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+ 1 cc to M/s.O.Selvam, Advocate, SR.62259
+ 1 cc to The Govt.Pleader, SR.62864

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RK (CO)
NR 14/09/2017



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