

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.11.2017
CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.2629 of 2012

P.A.Ravanan

... Appellant

Vs.

- 1.The Secretary to Government
Government of Tamilnadu
Housing and Urban Development Department,
Fort St.George, Chennai - 9.
- 2.The Chairman and Managing Director,
TNHB, Nandanam,
Chennai - 35.
- 3.The Executive Engineer and Administrative Officer
TNHB, Hosur Housing Unit,
Bagalur Road, Hosur - 635 109. ... Respondents

Prayer:

Writ appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 19.07.2012 made in W.P.No.7992 of 2008.

WP.No.7992 of 2008:Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the 1st respondent cancelling the allotment order G.O.(1-D) No.110 dt 8.1.2008 Housing and Urban Development Department and quash the same.

For Appellant : Mr.S.Shrenikraj
For Respondents: Mr.V.Anandhamurthy
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

The allotment made in favour of the appellant was cancelled by the Tamil Nadu Housing Board by placing reliance on the Government Order in G.O.(1D) No.110, Housing and Urban Development (HB5(1)) Department, dated 08.01.2008. The writ petition filed by the appellant challenging the order of

cancellation was dismissed by the learned Single Judge. Feeling Aggrieved, the appellant is before this Court.

2. When this appeal came up for hearing on 01.11.2017, we have directed the learned Standing Counsel for the Tamil Nadu Housing Board to take instruction as to whether the plot could be allotted to the appellant subject to the condition that he would pay the present guideline rate as consideration.

3. When the appeal was taken up for hearing today, the learned Standing Counsel for the Tamil Nadu Housing Board by placing reliance on the written instructions given by the Tamil Nadu Housing Board dated 13.11.2017, submitted that it would not be possible to allot the plot to the appellant in view of the Policy Decision taken by the Government not to allot the housing plots under discretionary quota.

4. The allotment in question was made by the Government by operating the discretionary quota. The Government has subsequently reviewed the matter and took a Policy Decision not to allot housing plots under discretionary quota. Such being the factual position, it would not be possible for this Court to direct the respondents to allot the plot to the appellant on payment of the present guideline rate. The Tamil Nadu Housing Board has made it very clear that the plot would be put to public auction or it would be allotted by drawing lots.

5. We direct the Tamil Nadu Housing Board to issue Notification calling for bids for allotting the plot in question. It is open to the appellant also to take part in the auction and for the said purpose, a notice should be issued to him by the Tamil Nadu Housing Board. In case, everything is found equal meaning thereby, in case the bid submitted by the appellant matches the bid submitted by the other bidders, preference should be given to him in the matter of allotment, if he is otherwise eligible.

6. The intra court appeal is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government
Government of Tamilnadu
Housing and Urban Development Department,
Fort St.George, Chennai - 9.

2.The Chairman and Managing Director,
TNHB, Nandanam,
Chennai - 35.

3.The Executive Engineer and Administrative Officer
TNHB, Hosur Housing Unit,
Bagalur Road, Hosur - 635 109.

+1 cc to M/s.R.Ganesh kumar Advocate sr 80382

+1 cc to M/s.V.Anandamoorthy Advocate sr 80881

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