IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:23.11.2017
CORAM
THE HONOURABLE MR. JUSTICE V.PARTHIBAN
WP.No.13291 of 2007

V.Veeraraghavan ...Petitioner

Vs

1. The Secretary to Government,
Housing Board, Chennai.

2. The Managing Director,
Housing Board, Chennai.

3. The Executive Engineer,
Tamil Nadu Housing Board,
Coimbatore. ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceeding of Plot B2/213 allotted under Ganapathi Self Contained installment. Allotment scheme said to have been cancelled on 27.07.2002 as informed by the 3rd respondent under letter No.A10/1095 2007 dated 16.02.2007 and quash the cancellation order passed on 27.07.2002 and forbearing the respondent from re-allotting the plot No.B2/213 to any other person.

For Petitioner : Mr.R.Margabandhu
For Respondents : Mr.S.V.Duraisolaimalai (for R1)
Additional Government Pleader
Mr.D.Nandakumar (for RR2 and 3)

O R D E R

The petitioner has approached this Court seeking the following relief:

''To issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceeding of Plot B2/213 allotted under Ganapathi Self Contained installment. Allotment scheme said to have been cancelled on 27.07.2002 as informed by the 3rd respondent under letter No.A10/1095 2007 dated 16.02.2007 and quash the cancellation order passed on 27.07.2002 and forbearing the respondent from re-allotting the plot No.B2/213 to any other person''.

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2.The case of the petitioner is as follows:

The petitioner was allotted Plot No.213 measuring about 6 x15 Sq.mt for an approximate cost of Rs.27,000/-. The petitioner initially paid advance amount of Rs.6750/- and the balance amount of Rs.20,250/- was to be paid in equal monthly installments for a period of 15 years @ 12% interest. Thereafter, the allotment order was issued, by the proceedings of the Housing Board on 10.08.1990. According to the petitioner, that there was some delay in making monthly installments and in view of the same, a letter was issued by the Housing Board on 16.02.2007 informing the petitioner that his allotment was cancelled on 27.07.2002 and the same was re-allotted on 20.11.2003. The said cancellation of allotment is under challenge before this Court in the present writ petition.

3. The learned counsel appearing for the petitioner would submit that no proper opportunity was given to the petitioner before the impugned cancellation order was issued. According to the learned counsel, there were no communications from the Housing Board informing the petitioner about the impending action by the Housing Board towards the cancellation of allotment. The petitioner had certain difficulties in making monthly installments, but, however, not appreciating the difficulties, the Board had issued the impugned order cancelling the allotment. According to the learned counsel for the petitioner, no prior notices were received by the petitioner before the action taken by the Housing Board.

4. Upon notice, Mr.S.V.Duraisolaimalai, learned Additional Government Pleader entered appearance for the first respondent and Mr.D.Nandakumar, learned counsel entered appearance for the respondents 2 & 3 and filed a detailed counter affidavit. In the counter affidavit, it is clearly mentioned that a number of notices were sent on 22.03.1994, 25.07.1994, 29.08.1994 & 30.05.1995 to the petitioner by R.P.A.D and the same were also acknowledged. However, inspite of receipt of notices, there was no response from the petitioner. According to the respondents, even thereafter, a number of letters were sent to the petitioner over a period of time and only when they found there was absolutely no response from the petitioner, the allotment was cancelled on 27.07.2002 and the same was re-allotted to one Tmt.V.Palaniammal. After re-allotment to the third party, the petitioner had no right over the property originally allotted to him.

5.This Court has anxiously considered the rival submissions of the learned counsel for the parties and also the averrments contained in the affidavit filed in support of the petition as well as the counter affidavit. The contention of the petitioner that no notices were issued prior to the

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cancellation order has been refuted by the respondents by stating that a number of notices were sent and the receipt of which was also acknowledged. The petitioner has not chosen to rebut these averrments by filing any re-joinder. In any case, it has to be seen from the averrments contained in the counter affidavit that the Board had given a long rope to the petitioner by giving numerous opportunities from 1994 onwards till 2003. However, when the Board found that there was no response from the petitioner, it was constrained to cancel the allotment of the petitioner and re-allotted the same to the third party.

6.It is also found that instead of approaching the authorities concerned for explaining any difficulty faced by the petitioner in making monthly payments, he has chosen to approach this Court by filing the present writ petition. The petitioner has not made out any case for interference and therefore, the writ petition lacks merits and substance. Hence, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(Cs II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
   Housing Board, Chennai.
2. The Managing Director,
   Housing Board, Chennai.
3. The Executive Engineer,
   Tamil Nadu Housing Board,
   Coimbatore.

+2cc to M/s.D.Nandakumar, Advocate SR.No.83426
+1cc to M/s.R.Margabandhu, Advocate SR.No.83438
+1cc to Government Pleader SR.No.84223

CNR(CO)
sm:18.1.2018

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