

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

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THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.44281 of 2016

Murungappakkam Kaviarasu Bharathiyar Nagar
Mannai Vangoyor Nala Sangam,
rep. by its General Secretary L.Velayutham,
No.137, AFT Mill Street,
Thai Book Centre,
Mudaliarpuram, Puducherry-605 004. Petitioner
Vs.

1. Puducherry Housing Board
rep. by its Secretary,
Anna Nagar, Nellithope,
Puducherry.
2. The Chief Secretary,
Government of Puducherry,
Secretariat, Puducherry.
3. The Collector,
Government of Puducherry,
Puducherry. Respondents

Writ Petition is filed under Article 226 of the Constitution of India to India for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 29.03.2016.

For Petitioner	: Mr.S.N.Jayaraman, Senior Counsel for M/s.T.Dhanasekaran
For Respondents	: Mr.T.M.Naveen for R1 Mrs.Reena Iswariya, Addl. Govt. Pleader (P) for R2 and R3

O R D E R

The Writ Petition is filed praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 29.03.2016.

2. The case of the petitioner Sangam is that the members of that Association purchased plots situated in Murungapakkam Revenue Village, R.S.No.144/2, T.S.No.122/2, Ward-N, Block-12 and was duly registered before the Sub-Registrar Office, Puducherry. While so, in the year 1998, the Land Acquisition Officer has taken possession of the lands under Land Acquisition Proceedings and handed over the same to the Pondicherry Housing Board, who in turn, sold a portion to the Pondicherry Journalist Co-operative Housing Society Limited, Pondicherry and also constructed flats/shops and complexes in the said lands leaving the remaining lands.

3. The further case of the petitioner Sangam is that the distressed purchasers made several representations to the Government of Pondicherry and Pondicherry Housing Board stating that the remaining portion would be distributed to the distressed purchasers. Further, this Court also passed an order on 27.09.1997, directing the Board to consider the applications of the distressed purchasers. Thereafter, it was decided to allot 1000 sq.ft. of land to each distressed purchaser. But, notices dated 08.03.2001 were sent to the distressed purchasers informing that distribution of plot by drawing lots was not conducted on 13.03.2001 due to the Election Code of Conduct in force.

4. It is also the case of the petitioner Sangam that they once again approached the High Court by filing W.P.No.6577 of 2012 directing the Pondicherry Housing Board to implement the decision taken by the Pondicherry Housing Board in the meeting held on 12.02.2001 and 27.03.2001. Thereafter, the members of the Petitioner Sangam made representation to the Minister for Housing on 06.09.2012 and the Chief Minister on 06.09.2012 with a request to allot plots instead of flats, as decided in the 116th Board Meeting. The same has been forwarded to the Board to review the request of the Association. Subsequently, the Minister for Housing arranged a meeting with the distressed purchasers on 27.6.2014 and the sale price was finalised at Rs.720/- per sq.ft. by Pondicherry Housing Board, who in turn, asked the Association to dispose of the writ petition and based on the same, the Writ Petition was withdrawn on 19.03.2015.

5. It is also submitted that the Pondicherry Housing Board in its 124th Board Meeting had constituted a Sub-Committee to scrutinize the applications of the distressed purchasers of the

above said Murungapakkam Revenue Village and also fixed guidelines for selection of eligible distressed purchasers of land, which was against the distressed purchasers. Further, the Pondicherry Housing Board sent an intimation dated 04.03.2016 to 22 members of the above said Association stating that that they did not cover under the meaning of ''Distressed Purchasers'' and hence, their applications are rejected as per the proceedings of the Scrutinizing Committee. Aggrieved over the same, they sent a requisition dated 29.03.2016 to the respondents to consider the rejection of 22 members applications and a communication dated 30.03.2016 sent by Additional Secretary to Governor was received by the members of the petitioner's Association stating that their requisition has been forwarded for examination and necessary action. But, till date, there is no response for the same. Hence, the present Writ Petition.

6. Heard both sides.

7. Considering the limited prayer made in the writ petition, without expressing any opinion regarding the merits of the claim made by the petitioner Sangam, this Court directs the 3rd respondent to dispose of the representation of the members of the petitioner Sangam dated 29.03.2016 on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this Order.

8. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1.The Secretary,
Puducherry Housing Board,
Anna Nagar, Nellithope,
Puducherry.

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2.The Chief Secretary,
Government of Puducherry,
Secretariat, Puducherry.

3.The Collector,
Government of Puducherry,
Puducherry.

+1cc to Mr.T. Dhanasekaran, Advocate, S.R.No.3110

+1cc to Mr.T.M. Naveen, Advocate, S.R.No.3449

VGI(CO)
md(09/02/2017)

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