



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) No.320 of 2014

M.P. (MD) No.2 of 2014

S.K.Sankar

... Appellant/Petitioner

Vs.

1.State of Tamil Nadu
represented through its
Secretary,

Tamil Nadu Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.

2.The Assistant Secretary,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai - 600 035.

3.The Executive Engineer/Administrative Officer,
Tamil Nadu Housing Board,
Ellis Nagar,
Madurai.

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letter Patent against
the order passed by this Court in W.P.(MD)No.846 of 2007 dated
12.02.2013.

Prayer in WP(MD). 846/ 2007 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue a Writ of
Certiorarified Mandamus, calling for the records of the 2nd
respondent in proceedings letter no. 2(1)57103/01 dated 26/12/2006
quashes the proceedings of the 2nd respondent and direct the 2nd
respondent to allot Model House No. 2, Anna Nagar, Madurai to the
petitioner.

For Appellant : Mr.R.G.Shankar Ganesh

For 1st Respondent : Mr.M.Murugan
Government Advocate

For Respondents 2 & 3: Mr.S.Nagarajan



JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J)

The writ appeal is preferred against the order of the learned Single Judge dated 12.02.2013, passed in W.P.(MD) No.846 of 2007, by which the learned Single Judge dismissed the writ petition holding that the allotment of specific house is not feasible for consideration as it does not fall under the Government Discretionary quota.

2.Heard the learned counsel for the appellant, learned Government Advocate for the 1st respondent and the learned counsel for the respondents 2 and 3.

3.The learned counsel for the appellant has made reliance on the Government Order in G.O.Ms.No.88 Housing and Rural Development (H.D.4(2)) dated 20.05.2003 and submitted that the said G.O. provides for discretionary quota for social worker.

4.Apart from the fact that the said G.O. has been withdrawn subsequently, it does not give any right to any particular property. The specific house, for which request has been made, does not fall within the Government Discretionary quota, in other words, it is earmarked for the open category. Therefore, the petitioner can get the specific house under open auction method. In such view of the matter, we do not find any merit in the appeal.

5.Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

The Secretary,
Tamil Nadu Housing and Urban Development Department,
State of Tamil Nadu, Fort St. George, Chennai - 600 009.

+1cc to M/S.S.NAGARAJAN, Advocate SR.No.66781
+1cc to Special Government Pleader, SR.No. 67120

sj

MAS/SKN-RSK/SAR1:02.08.2017:2P-4C

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20.07.2017