



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.1241 of 2011

and

MP (MD) No.1 of 2011

Mageswari

... Petitioner

vs.

1. The Tamil Nadu Housing Board,
represented through
The Executive Engineer cum Administrative Officer,
Tamil Nadu Housing Board,
Trichy Housing Unit,
Kajamalai Colony.

2. The Assistant Revenue Officer,
Tamil Nadu Housing Board,
Trichy Housing Unit,
Kajamalai Colony, Trichy-20.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent in his proceedings letter No.R9/3108/2008 dated 12.05.2010 and quash the same as illegal and further directing the respondents herein to allot and hand over possession of the Plot at Karur Sanapiratti Part-II, Stage II, HIG-P-HIG.

For Petitioner : Mr.V.Meenakshisundaram
for Mr.RM.Sivakumar

For R1 : Mr.V.Sivaramalingam
For R2 : Mr.M.Alagathevan,
Special Government Pleader.

O R D E R

The petitioner, has initially come before this Court by way of Mandamus, seeking to forbear the first respondent from proceeding further in re-allocation of plot at Karur Sanapiratti Part II Stage II, HIG-P-HIG following the public advertisement of the first



respondent published in Dinamalar, Trichy, dated 31.10.2010 and directing the respondents to receive the entire outstanding amount standing in the petitioner's name in allotting the housing plot at Karur Sanapiratti Part II Stage II, HIG-P-HIG and issue no due certificate and to execute the sale deed in favour of the petitioner.

2. Since the petitioner has initially filed the writ petition, without challenging the order of cancellation of allotment, he subsequently amended the relief seeking to quash the impugned order passed by the first respondent in his proceedings letter No.R9/3108/2008 dated 12.05.2010 and consequently, she sought for a direction to the respondents to allot and hand over possession of the plot at Karur Sanapiratti Part-II, Stage II, HIG-P-HIG in favour of the petitioner.

3. A detailed counter affidavit has been filed, wherein it has been specifically stated that despite several notices issued to the petitioner, she has not paid the installment due to the respondent department and hence, cancellation of allotment order came to be passed.

4. However, the learned counsel appearing for the petitioner submitted that no intimation has been given to the petitioner with regard to allotment of the plot in question and hence, she is not in a position to pay the entire dues. Moreover, the petitioner was not given any opportunity of hearing to offer her explanation and all of a sudden, the first respondent has passed the impugned order, cancelling the allotment order and therefore, the same is liable to be set aside. Further, it is submitted that the plot in question has not yet been sold to anybody and therefore, the claim of the petitioner may be directed to be considered by the respondents.

5. Heard both sides and perused the materials available on record.

6. Considering the claim of the petitioner and also considering the fact that the plot in question has not yet been sold to anybody, this Court, without going into the merits of the petitioner's claim, directs the respondents to go for auction in respect of the property in question, in which, the petitioner shall be permitted to participate and if the petitioner becomes a successful bidder and the amount is agreeable by the petitioner for allotment, the same be allotted to the petitioner as per law. Such exercise shall be completed within a period of six months from the date of receipt of a copy of this order. If the petitioner is declared as a successful bidder in the forthcoming auction and the plot in question is allotted in favour of the petitioner, the amount already paid by the petitioner be deducted along with interest accrued thereon.



7. With the above direction, this writ petition is disposed of. No costs. Consequently, MP(MD)No.1 of 2011 is closed.

WEB COPY

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

The Assistant Revenue Officer,
Tamil Nadu Housing Board,
Trichy Housing Unit,
Kajamalai Colony, Trichy-20.

+ 1 CC TO Mr.R.M.SIVAKUMAR, ADVOCATE IN SR No. 91661

MJ

TE/SKN-RSK/SAR-1 : 10/01/2018 : 3P/3C

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