

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2018

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.460 of 2018
and
WMP.No.526 of 2018

V.Elangovan, Advocate

S2, 2nd Floor

Metrol Homes, Old No.4, New No.15,

Dr.Ranga Road, Rangaswamy Illam,

Mylapore, Chennai.

... Petitioner

Vs.

1. State of Tamil Nadu

Rep. by its Secretary to Government

Housing and Urban Development

Secretariat, Fort St.George,

Chennai-9.

2. Tamil Nadu Housing Board

Rep. by its Managing Director

Nandanam Division

Anna Salai, Nandanam

Chennai-600 035.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to allot a better accommodation rental house viz., A Type MIG/HIG in Chennai city instead of Flat No.D/4C at Annanagar West Extention (Padi Kuppam Scheme Area).

For Petitioner: Mr.L.Chandra Kumar
for Mr.S.Doraisamy

For Respondents: Mr.R.Govindasamy
Special Government Pleader for R1
Mr.V.Anandamoorthy
standing counsel for R2

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the first respondent. Mr.V.Anandamoorthy, learned standing counsel takes notice for the second respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.L.Chandrakumar, learned counsel appearing for the petitioner, Mr.R.Govindasamy, learned Special Government Pleader appearing for the first respondent and Mr.V.Anandamoorthy, learned standing counsel appearing for the second respondent.

3. The petitioner seeks for a mandamus directing the respondents to allot a better accommodation of a rental house viz., "A Type MIG/HIG" in Chennai city instead of the allotted Flat No.D/4C at Annanagar West Extention (Padi Kuppam Scheme Area).

4. The petitioner is a practising Advocate before this Court. He was originally allotted an "A Type Flat" at RO-4, TNHB Quarters, Foreshore Estate, Chennai-600 028 and he was residing in the said Flat from 01.09.1999. However, when the authorities decided to demolish the building to put up a new construction therein, the petitioner was asked to vacate the premises and accordingly, the petitioner has also vacated the same. When there was a dispute in accepting the key from the petitioner and also with regard to the claim of payment of enhanced rent in respect of the said property, the petitioner filed a writ petition in WP.No.33355 of 2017 and this Court, while entertaining the writ petition, granted an order of interim stay of the impugned communication dated 27.07.2017 and also directed the respondents therein to accept the surrender of the said Flat from the petitioner without prejudice to their demand made in the said demand notice. Thereafter, it is stated that the surrender of the said Flat was accepted by the second respondent and now, the petitioner is temporarily residing at a rented house in Mylapore. It is further stated that the respondents issued an allotment order to the petitioner allotting a rental Flat at Anna Nagar West Extention (Padu Kuppam Scheme Area) bearing No.D/4C, which is a "C" Type Flat.

5. Now, the grievance of the petitioner before this Court is that when the petitioner was originally allotted and in possession and enjoyment of "A Type" MIG house, the present allotment of "C Type" LIG house is not just and proper. Therefore, the petitioner claims that he has to be allotted only "A Type" MIG house any where inside the city of Chennai. Ventilating such grievance, the petitioner has made a

representation on 20.12.2017. When the said representation has not been considered by the respondents, the present writ petition is filed before this Court.

6. The learned standing counsel appearing for the second respondent fairly submitted that the request of the petitioner will be considered and appropriate orders will be passed.

7. Considering the fact that the petitioner is a practising Advocate and that he was earlier allotted "A Type" MIG Flat, the respondents has to consider the claim of the petitioner for allotting a similar type of house or flat namely "A Type" instead of allotting "C Type" LIG, as has been done in this case. Accordingly, this writ petition is disposed of, by directing the respondents to consider the claim of the petitioner made through his representation dated 20.12.2017 and pass orders on the same, by providing "A Type" MIG house within the city of Chennai. Such exercise shall be done by the second respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
State of Tamil Nadu
Housing and Urban Development
Secretariat, Fort St.George,
Chennai-9.
2. The Managing Director
Tamil Nadu Housing Board
Nandanam Division, Anna Salai, Nandanam
Chennai-600 035.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.2134
+1cc to Mr.V.Anandamoorthy, Advocate, S.R.No.2293
+1cc to the Government Pleader, S.R.No.2379

W.P.No.460 of 2018

CS/12/01/18