

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.10179 of 2013

V.Thangaraju

... Petitioner

Vs.

1.The Commissioner,
Kanai Panchayath,
Kanai.

2.The District Collector,
Collectorate Office,
Villupuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus, to call for the entire records pursuant to the order of the 1st respondent in Na.Ka.No.Aa3/3252/12, dated 04.10.2012, quash the same and consequently direct the 1st respondent to allot a house to the petitioner as per the G.O.(Ms).No.79, RD & PR (SGS.II) Department, dated 27.8.2012.

For Petitioner : Mr.G.B.Saravanabhavan

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader

O R D E R

Heard Mr.G.B.Saravanabhavan, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents and perused the materials available on record.

2. The prayer sought for in this writ petition is for issuance of a writ of certiorarified mandamus, to quash the order of the first respondent dated 04.10.2012, in and by which, the application of the petitioner for allotment of house under "THANE" Scheme was rejected and for a direction to the first respondent to allot a house under the scheme.

3. The case of the petitioner is that he is eligible to

get an allotment under "THANE" Scheme. But, without considering the facts that the Government allotted house under Indhira Awaaz Yojana (IAY) Scheme was already damaged, the impugned order was passed.

4. The learned Special Government Pleader appearing for the respondents, by referring to the counter filed by the first respondent, submitted that the condition No.5 of the THANE Scheme mandates that the beneficiaries should have not got any Government house previously. But, admittedly the petitioner was already allotted a house under Indhira Awaaz Yojana (IAY) Scheme. Hence, the petitioner was not eligible to get a house under THANE scheme.

5. It is not in dispute that the petitioner had been allotted a house under Indhira Awaaz Yojana (IAY) Scheme. According to the petitioner his house was damaged and hence he should be allotted under the THANE Scheme. As per the conditions of the THANE Scheme, the beneficiaries should not have been allotted any Government house. When one of the conditions prohibit the authorities to allot a house under the scheme, the petitioner without challenging the conditions has filed the writ petition questioning the consequential order. Hence, I do not find any merit in this writ petition. Accordingly, the writ petition fails and the same is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS V)

//True copy//

Sub Assistant Registrar

ms

To

1.The Commissioner,
Kanai Panchayath,
Kanai.

2.The District Collector,
Collectorate Office,
Villupuram District.

+1cc to Mr.G.B.Saravanabhavan, Advocate SR.No.53339
+1cc to Government Pleader SR.No.54064

W.P.No.10179 of 2013

GN(28/08/2018)