

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2018

C O R A M

THE HONOURABLE Mr.JUSTICE C.V.KARTHIKEYAN

W.P.Nos.12683 to 12688 of 2018

and

W.M.P.Nos.14816 to 14833 of 2018

S.PRIYA ... PETITIONER in WP No.12683 of 2018
W/O S.SRINIVASAN BALAJI NAGAR CHINNA
ELASAGIRI HOSUR KRISHNAGIRI DIST

K.CHANDRASEKAR ... PETITIONER in WP No.12684 of 2018
S/O KUMAR GENGALERI KRISHNAGIRI
KRISHNAGIRI DIST

P.DHANAPAL ... PETITIONER in WP No.12685 of 2018
S/O PURUSHOTHAMAN NAIDU NO. 23 RAHEJA
COMPLEX (RICH STREET) NO. 834 ANNA SALAI
CHENNAI

N.SUNDARAMMAL ... PETITIONER in WP No.12686 of 2018
W/O LATE NATARAJAN GENGALERI KRISHNAGIRI
KRISHNAGIRI DIST

A.MATHIYAZHAGAN ... PETITIONER in WP No.12687 of 2018
S/O ARPUTHASAMY GENGALERI KRISHNAGIRI
KRISHNAGIRI DIST

A.EZHILARASI ... PETITIONER in WP No.12688 of 2018
W/O RAJASEKAR GENGALERI KRISHNAGIRI
KRISHNAGIRI DIST

Vs.

1.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-600 035.

2.The Secretary to Government,
Tamil Nadu Housing Board,
Fort St. George, Chennai-600 009.

3.The Executive Engineer/Administrative Officer,
Tamil Nadu Housing Board,
Hosur Unit, Bagalur Road, Hosur, 635 109.

.. Respondents in all WPs

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus,

a) to call for the public auction notice dated 22.04.2018 issued by the third respondent and to quash the public auction sale in respect of Plot No.15A in Phase No.3 of Hosur Housing Scheme at Hosur, Krishnagiri District and thereby direct the respondents to allot the Plot No.15A in Phase No.3 of Hosur Housing Scheme instead of Plot No.1410 in Phase No.16 as per the order of the third respondent in HR5/9083/10 dated 25.03.2011. (in WP.12683 OF 2018)

B) to call for the public auction sale notice dated 22.04.2018 issued by the 3rd respondent and quash the public auction sale in respect of Plot No. 1127A in Phase No. 10 of Hosur Housing Scheme at Hosur, Krishnagiri District and thereby direct the respondents to allot the Plot No. 1127A in Phase No. 10 of Hosur Housing Scheme instead of plot No. 1408 in Phase No. 16 as per the order of the 3rd respondent in HR5/9081/2010 dated 12.05.2011(in WP No.12684 of 2018)

c) to call for the public auction notice dated 22.04.2018 issued by the 3rd respondent and quash the public auction sale in respect of Plot No. 606A/1 in Phase No. 10 of Hosur Housing Scheme at Hosur, Krishnagiri District and thereby direct the respondents to allot the Plot No.606A/1 in Phase No.10 of Hosur Housing Scheme instead of plot No. 340 in Phase No. 16 as per the order of the 3rd respondent in HR5/9025/10 dated 25.03.2011 (in WP No.12685 of 2018)

d) to call for the public auction notice dated 22.04.2018 issued by the 3rd respondent and quash the public auction sale in respect of Plot No. 606A in Phase No. 10 of Hosur Housing Scheme at Hosur, Krishnagiri District and thereby direct the respondents to allot the Plot No.606A in Phase No. 10 of Hosur Housing Scheme instead of plot No.337 in Phase No. 16 as per the allotment order of the 3rd respondent in HR5/9082/10 dated 12.05.2011 (in WP No.12686 of 2018)

e) to call for the public auction notice dated 22.04.2018 issued by the 3rd respondent and quash the public auction sale in respect of Plot No. 16A/1 in Phase No. 6 of Hosur Housing Scheme at Hosur, Krishnagiri District and thereby direct the respondents to allot the Plot No. 16A/1 in Phase No. 6 of Hosur Housing Scheme instead of plot No. 336 in Phase No. 16 as per the order of the 3rd respondent in HR5/9027/10 dated 25.03.2011 (in WP No.12687 of 2018)

f) to call for the public auction notice dated 22.04.2018 issued by the 3rd respondent and quash the public auction sale in respect of Plot No. 16A in Phase No. 6 of Hosur Housing Scheme at Hosur, Krishnagiri District and thereby direct the respondents to allot the Plot No. 16A in Phase No. 6 of Hosur Housing Scheme instead of plot No. 338 in Phase No. 16 as per the order of the 3rd respondent in HR5/338/11 dated 12.05.2011 (in WP No.12688 of 2018)

For Petitioner : Mr.B.Singaravelan,
(in all W.Ps.) Senior Counsel
: for M/s.S.Sujatha
For Respondents : Mr.V.Anandhamurthy
(in all W.Ps.) Additional Government Pleader

C O M M O N O R D E R

The petitioners were allotted plots of land to construct houses at Phase No.16 in Hosur.

2.The learned Senior Counsel appearing for the petitioners placed for reference photographs of plots and a perusal shows that houses can never be constructed in the said plots. The petitioners were naturally aggrieved. Thereafter, Hosur Municipality decided to extend housing facilities in other phases also. In the impugned order, a proposal had been made to let out an auction for further phases on 23.05.2018.

3.The grievance of the petitioners is that they had approached the respondents and they had been orally allotted plots in Phase No.3. Even though they had been allotted plots, the auction is being done on 23.05.2018. While allotment was made for Phase No.16, the petitioners had paid the value of the cost of the plots. This should accrue if they are allotted plots in Phase No.3. While deciding the allottees for Phase No.3, the first respondent is to consider the fact that the petitioners had already paid an amount towards plots in Phase No.16 and also agree to pay additional amounts towards the plots in Phase No.3 and while deciding the allottees the first

respondent may also consider the petitioners for allotment of plots. This should be done simultaneously on 23.05.2018, on the very same day in which the auction has been scheduled as a special case, since the petitioners had been allotted plots in Phase No.16, in which the house construction can never be built.

4.With these observations, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed. The petitioners are granted liberty to approach this court, if they aggrieved over the procedure adopted during auction or if their representations are not considered.

Sd/-

Vacation Officer/
Assistant Registrar

//True Copy//

Sub Assistant Registrar

abr/maya

To

- 1.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-600 035.
- 2.The Secretary to Government,
Tamil Nadu Housing Board,
Fort St. George, Chennai-600 009.
- 3.The Executive Engineer/Administrative Officer,
Tamil Nadu Housing Board,
Hosur Unit, Bagalur Road, Hosur, 635 109.

+12 cc to M/S.SUJATHA Advocate, S.R.No. 33768 TO 33773
+6 cc to Mr.V.ANANDHAMURTHY, Advocate, S.R.No. 33734

W.P.Nos.12683 to 12688 of 2018

NA(CO)
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