

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2018
CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.32421 of 2013

R.Egavalli

...Petitioner

Vs.

The Executive Engineer,
Sites and Service Division-111,
Tamil Nadu Housing Board,
Anna Office Marketing Palace,
Thirumangalam, Chennai - 600 101.

...Respondent

PRAYER:

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondent to restore her allotment of Plot No.1712 as per letter No.M-41/1010940/92, dated 25.04.1992 or to provide any other alternative place to her within the stipulated time.

For Petitioner : M/s.A.Thamizharasan
For Respondent : Mr.V.Ananda Murthy

ORDER

This writ petition has been filed seeking direction to the respondent to restore her allotment of Plot No.1712 as per letter No.M-41/1010940/92, dated 25.04.1992.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

3. The case of the petitioner is that she submitted an application for allotment of house site and the respondent vide his order, dated 25.04.1992 allotted a Plot No.1712. The petitioner would further state that she has also paid a sum of Rs.5,000/- towards sale consideration. Subsequently, due to the sudden demise of the her husband on 09.08.2010, she has not registered the sale deed. Thereafter, she caused a notice for issuance of sale deed. Since there was no response, the present writ petition.

4. The respondent filed counter a affidavit stating that the respondent announced a scheme for allotment of house sites to

the Central Government Employees. The petitioner applied for allotment of a house site under the scheme stating that she was working in the Southern Railways. After the petitioner was allotted the house site, she was directed to produce Income Certificate, Nativity Certificate, Family Photo and Ration Card, on or before 31.05.1992.

5. The Counter further proceeds that later it was found that neither the petitioner nor her husband were regular employees in Southern Railways and therefore the allotment was cancelled on 21.12.1992. Thereafter, the said plot was allotted to one Kadarkarai on 14.09.1993 and the sale deed was also issued in his favour on 20.11.1998.

6. The learned counsel for the petitioner submitted that the petitioner is a widow and she has come from poor background, however, the respondent without taking all those facts, cancelled the allotment.

7. The learned Standing Counsel for the respondent submitted that the present Writ Petition has been filed after two decades of the cancellation of the allotment order and it has to be dismissed on the ground of laches. It is further submitted that the petitioner has no eligibility to get the allotment under the said scheme.

8. In the case on hand, it is not in dispute that the petitioner was allotted a house site by an order of the respondent dated 25.04.1992. In the counter affidavit, it is specifically stated that the scheme was floated for allotment of house sites to the Central Government Employees, but the petitioner was not found to be a Central Government Employee and she also failed to produce the required certificate, as directed to be produced by the respondent. The allotment made in favour of the petitioner was cancelled on 21.12.1992 and it was also communicated to the petitioner. After lapse of 21 years, the petitioner has come up with the present writ petition seeking direction to allot the same plot in favour of the petitioner without producing any other supporting documents.

9. It is not in dispute that after cancellation of the allotment made in favour of the petitioner, it was allotted in favour of one Kadarkarai and sale deed was executed in his favour on 20.11.1998.

10. In the light of the above facts, this Court is of the considered opinion, the writ petition has no merits. The writ petition fails and the same is dismissed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

pvs

To

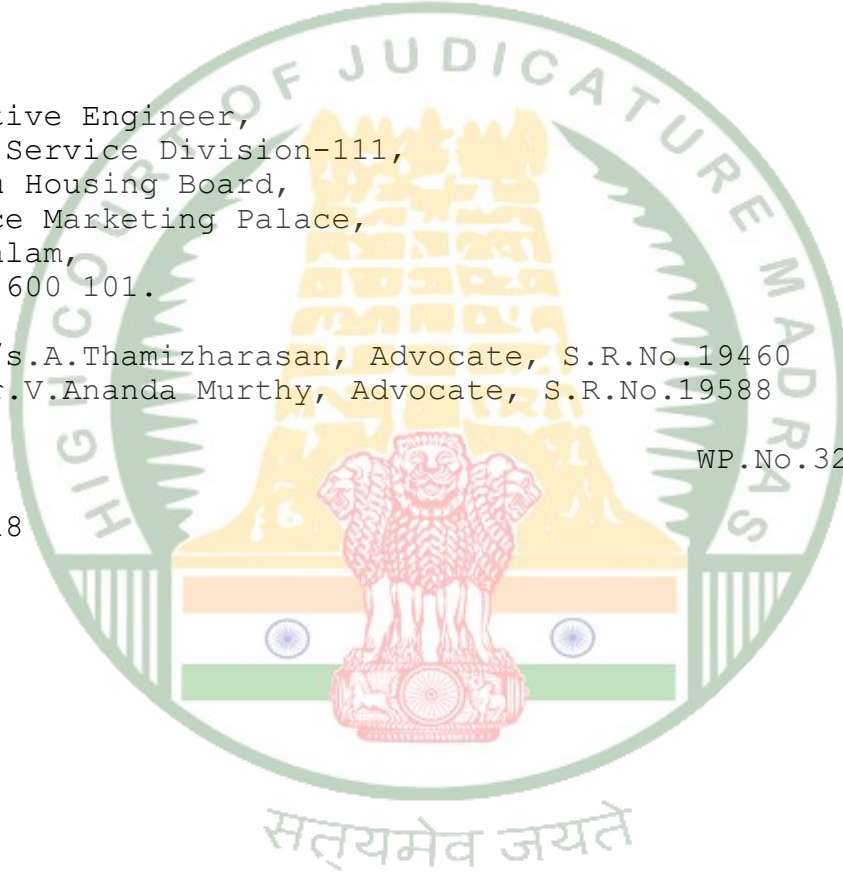
The Executive Engineer,
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+1cc to M/s.A.Thamizharasan, Advocate, S.R.No.19460

+1cc to Mr.V.Ananda Murthy, Advocate, S.R.No.19588

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