

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25334 of 2006

N.Balasubramaniyam ... Petitioner

Vs.

- 1.State of Tamilnadu, rep. by its
Secretary to Government, Housing and
Urban Development Department,
Secretariat, Chennai – 9.
- 2.Chairman and Managing Director,
Tamilnadu Housing Board,
Nandanam, Chennai – 35.
- 3.Executive Engineer and
Executive Officer, Hosur Housing Unit,
Tamilnadu Housing Board,
Hosur 635 109. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the G.O.(2-D) No.61 of Housing and Urban Development Department, dated 21.07.2006 and quash the same, so far it relates to the petitioner's alone and further direct the first respondent to handover the possession as per the allotment order in G.O.(2-D) No.32, Housing and Urban Development Department, dated 03.02.2004, after collecting the required cost and fees from the petitioner.

For Petitioner : Mr.S.James

For Respondents : Mr.K.Ravikumar for R1
Additional Government Pleader
Mr.Vivekavannan for R2 and R3

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the G.O.(2-D) No.61, Housing and Urban Development Department, dated 21.07.2006 and to quash the same in so far it relates to the petitioner alone and further direct the first respondent to handover possession as per the allotment order in G.O.(2-D) No.32, Housing and Urban Development Department, dated 03.02.2004, after collecting the required cost and fees from the petitioner.

2.The case of the petitioner is that the petitioner applied for one of the plots lying vacant in Hosur Housing Scheme Phase – IX, which was started in the year 1994-1995. In response to the above, the first respondent passed an order in G.O.(2-D) No.32, Housing and Urban Development Department, dated 03.02.2004, allotting Plot No.157 in the H.I.G., which comes under the Government discretionary quota, to the petitioner. The second respondent vide proceedings dated 07.06.2004 directed the third respondent to take steps for handing

over possession of the vacant plot. The third respondent in turn directed the petitioner to produce certain documents and the petitioner also complied with the same. However, the impugned order dated 21.07.2006 came to be passed. Hence, the petitioner has filed this writ petition.

3.The first respondent has filed counter affidavit inter alia stating that Phase – IX Hosur Neighbourhood Scheme consists of two pockets. Only one pocket was developed and another pocket is 0.5 km away from the first pocket is undeveloped raw land reserved for future development of housing scheme. The Government directed to allot the plot to the petitioner in G.O.(2-D) No.32, Housing and Urban Development Department, dated 03.02.2004 subject to the allotment rules of Housing Board. However, the Government was not informed about the ground situation while the plots were undeveloped and hence, final cost could not be fixed and exact boundary of the plots also could not be defined. In the absence of development works, demarcation of plots and formation of approach roads, no plots could be reserved for allotment under Government discretionary quota.

4.The counter affidavit further states that there are 20 nos. of

plots earmarked in the undeveloped pocket. As such, it was difficult to ascertain the cost without implementing the developmental works in the pocket area and fix the cost of the plot allotted to the petitioner. It was also ascertained that there is no approach road to the other plots that were earmarked for development. The impugned plot is in the entrance of pocket abutting 80' Main Highway Road. These facts were informed to the Board Office on 27.10.2005 and further particulars were submitted on 20.01.2006. Hence, the Board recommended the Government to cancel the allotment of Plot No.157 along with other plots for which allotments were made in G.O.(2D) No.71, Housing and Urban Development Department, dated 04.03.2004.

5.The counter affidavit further states that since the plot is an undeveloped plot, no reservation for Government quota is made in respect of the plots in the second pocket. The Government considering all these aspects passed the impugned order cancelling the allotment made to the petitioner.

6.The writ petition is of the year 2006. In view of the above facts, after a lapse of nearly twelve years, I do not find anything

survives for further adjudication in this writ petition. Accordingly, the writ petition is dismissed. No costs.

04.07.2018

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

- 1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai – 9.
- 2.The Chairman and Managing Director,
Tamilnadu Housing Board,
Nandanam, Chennai – 35.
- 3.The Executive Engineer and
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M.DHANDAPANI,J.
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