

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Appeal No.2590 of 2010
and
Miscellaneous Petition No.1 of 2010

S.P.Thirumurugan ... Appellant/Petitioner

-vs-

1. Tamil Nadu State Housing Board,
Rep., by its Chairman
and Managing Director,
No.331, Anna Salai,
Nandanam, Chennai-35.
 2. The Authorised Officer/Chief Revenue Officer,
Tamil Nadu Housing Board,
No.331, Anna Salai,
Nandanam, Chennai-35.
- .. Respondents/Respondents

Prayer:-

APPEAL under Clause 15 of the Letters Patent to set aside the order dated 28.10.2010 made in W.P.No.25891 of 2001.

W.P.No.25891 of 2001:- सत्यमेव जयते

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus, calling for the records comprised in proceedings No.Va.Va.1(2)/55832/2001 on the file of the Chief Revenue Officer/Authorised Officer (Second Respondent) dated 30.11.2001 and quash the same and consequently direct the respondents to pass appropriate orders on the claim of the petitioner seeking transfer of allotment in his name in respect of the House bearing Door No.9 (Old Door No.32) situated in First Main Road, C.I.T. Nagar, Chennai-600 035 as requested in his representation dated 21.11.2001.

For Appellant : Mr.R.Bharanidharan
For Respondents : Mr.V.Anandhamurthy,
Additional Government Pleader

JUDGMENT
(Delivered by T.S.Sivagnanam, J.)

This appeal is directed against the order passed in Writ Petition No.25891 of 2001, dated 28.10.2010 which was filed by the appellant/petitioner challenging the proceedings of the 2nd respondent dated 30.11.2001 and for a consequential direction to transfer the allotment in the name of the appellant/petitioner which was allotted in favour of the appellant/petitioner's father, since deceased.

2.The learned Writ Court after elaborately considering all the submissions, granted liberty to the appellant/petitioner and while doing so, it has referred to various decisions of the Hon'ble Supreme Court and that of the Hon'ble Division Bench of this Court.

3.We have heard this appeal on two earlier occasions, more particularly, on 26.02.2019, on which date, we have heard the learned Senior Counsel for the appellant elaborately, and we had brought to the notice of the learned Senior Counsel about the recent judgment passed by this Bench considering the right of a person, who has been granted allotment of a flat under "public quota". We have stated that the category "public quota" itself leads to arbitrary and unguided exercise of power vested with the respondents and deprecated the practice of having such a quota. After having elaborately heard the learned Senior Counsel for the appellant, we expressed our opinion that the appeal cannot be entertained. Learned Senior Counsel requested time so that the counsel on record may hold discussions with the appellant.

4.It appears that the appellant had obtained change of vakalat from the counsel on record and the case bundle has been handed over to the appellant on 04.03.2018. To the said effect, the learned counsel for the appellant filed a memo clearly stating that the appellant has been informed that the case will be listed on 06.03.2018 and the appellant also assured that he will make alternative arrangement for his appearance either in person or through his counsel. However, the appellant has not made any such arrangement.

5.Considering all the above, we dismiss this writ appeal for non-prosecution. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

abr

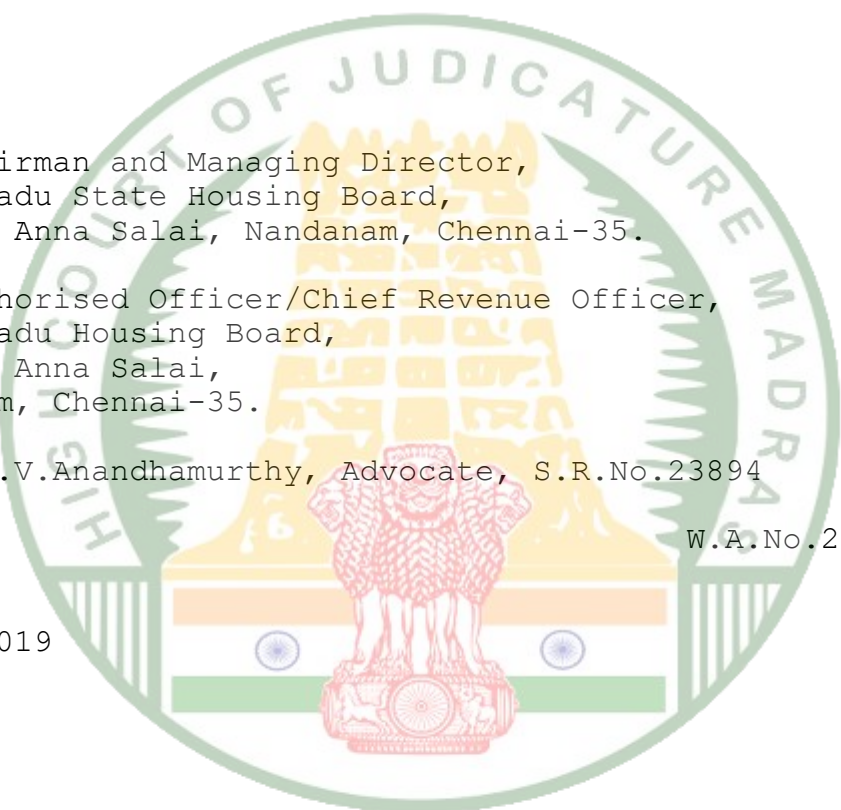
To

1. The Chairman and Managing Director,
Tamil Nadu State Housing Board,
No.331, Anna Salai, Nandanam, Chennai-35.
2. The Authorised Officer/Chief Revenue Officer,
Tamil Nadu Housing Board,
No.331, Anna Salai,
Nandanam, Chennai-35.

+1cc to Mr.V.Anandhamurthy, Advocate, S.R.No.23894

W.A.No.2590 of 2010

SSV(CO)
CS/29/04/2019

The seal of the High Court of Madras is a circular emblem. It features a central image of the Lion Capital of Ashoka, which is a four-lion capital standing on a base. The capital is flanked by two smaller lions. The entire emblem is set against a background of a green and white striped field. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a circular border around the central image. Below the seal, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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