

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2019

CORAM

THE HON'BLE Dr. JUSTICE ANITA SUMANTH

W.P.No.21532 of 2017

K.Singaravelu

....Petitioner

--Vs--

- 1.Tamil Nadu Housing Board
rep.by its Managing Director,
Anna Salai, Nandanam,
Chennai 600 035
- 2.The Executive Engineer,
Tamil Nadu Housing Board,
Bagalur Road, Hosur 635109
- 3.The Manager, (Sales and Service)
Tamil Nadu Housing Board,
Hosur Division,
Bagalur Road, Hosur

...Respondents

PRAYER in WPs: Writ Petitions filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to issue allotment order in respect of LIG Plot bearing Plot No.1304, Phase-X, Hosur, Krishnagiri District measuring to an extent of 564 Sq.Ft. to the petitioner without insisting any additional cost and execute sale deed in favour of the petitioner herein by considering the petitioner's various representations including the representation dated 23.02.2017.

For Petitioner :Mr.S.Thirumavalavan

For Respondents : Mr.V.Anandamurthy
Standing Counsel

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The petitioner seeks a mandamus, directing the 1st respondent/The Managing Director to issue an allotment order in respect of the LIG Plot bearing No.1304, Phase-X, Hosur, Krishnagiri District admeasuring 564 sq.ft, to him by consideration of various representations filed before the 1st respondent.

2. Mr.S.Thirumavalvan, learned counsel appearing for the petitioner states as follows:

Pursuant to G.O.Ms.No.170 dated 04.02.1991 of the Housing and Urban Development Department, the respondents acquired 18.03 acres of patta land in Kaveripattinam Village and Errahalli Village under private negotiations for the purpose of the Kaveripattinam SMT scheme.

3. Vide a subsequent Government Order, G.O.Ms.No.281 dated 10.03.1997 of the Revenue Department, an extent of 0.49.5 hectares of Government Lands were transferred to the Tamil Nadu Housing Board on payment of cost at market value. The Board, thereafter, appears to have developed the land and allotted plots to the public.

4. The petitioner had applied for a HIG plot and was allotted, vide order dated 20.10.1995, plot bearing No.HIG-133. The entire consideration in respect of the plot has been remitted to the Board and a sale deed dated 26.11.2012 has been executed in respect of the land admeasuring 220.85 sq.mtr/2377 sq.ft comprised in survey No.462/3 Part of Kaveripattinam Village Survey No.42/1 Part and 12/2 Part of Errahalli Village of Kaveripattinam Taluk, Krishnagiri District. The sale deed has also been registered.

5. The petitioner has constructed a house in the said plot. Subsequently, he decided to sell the plot along with the house standing therein. At the time of sale, it was noticed that an extent of 538 sq.ft. of the land was classified as Government Poramboke land. This was brought to the notice of the respondents vide communication dated 05.06.2013, requesting the allotment of two HIG plots in Hosur in place of the Government Poramboke land allotted to the petitioner originally.

6. The respondents executed a rectification deed dated 08.03.2013 deleting survey No.12/2, being the Government Poramboke land from the original sale deed. However, there was no change in the measurement of the land allotted to him. The request of the respondent was forwarded to the Board for further action and the Board, vide letter dated 29.04.2013, directed the 2nd respondent/The Executive Engineering, Tamil Nadu Housing Board, to allot any other vacant plot in any other housing scheme to the petitioner. The petitioner in the meantime kept making representations to the 1st respondent dated 05.06.2013, 28.01.2014, 06.02.2014, 08.07.2015, 11.08.2015, 04.09.2015, 23.05.2016, 18.10.2016, 18.10.2016, 30.08.2016 to 23.02.2017. Admittedly, the aforesaid representations have not found favour of a response or adjudication.

7. Learned counsel for the respondent points out that the Board has passed proceedings dated 01.12.2016 as follows:

The excess amount may be refunded there

is no necessity to allot alternate Plot for deficit part as the deficit part is very less compared to original allotment.

Also in many cases, there will be deficit on actual site condition even in such cases TNHB is not allotting additional plot but only refunding the money for deficit part.

8. Thus, according to him, there is nothing further to be done, as far as the present allotment is concerned. He also states that the respondent has been attempting to return the consideration in respect of the land in question but the petitioner is refusing to receive the same. However, it is a fact that the representations of the petitioner are pending disposal since February 2017. It thus, would suffice to direct the respondents to consider the representations and pass appropriate orders after hearing the petitioner, within a period of six(6) weeks from the date of receipt of a copy of this order. This writ petition stands disposed of with the aforesaid directions. No costs.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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

2.The Executive Engineer,
Tamil Nadu Housing Board,
Bagalur Road, Hosur 635109

3.The Manager, (Sales and Service)
Tamil Nadu Housing Board,
Hosur Division,
Bagalur Road, Hosur

+1cc to Mr.S.Thirumavalavan, Advocate SR.No.23739

+1cc to Mr.V.Anandamurthy, Advocate SR.No.23893

W.P.No.21532 of 2017

PA(CO)
GMY(24/05/2019)