

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2020

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.NO.15825 OF 2013

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.. Petitioner

Vs.

1. The Secretary to the Government,
Housing and Urban Development Department,
Fort St.George, Chennai 600 009.
 2. The Tamil Nadu Housing Board,
Represented by its Managing Director,
Nandanam, Chennai 600 035.
 3. The Executive Engineer- cum -
Administrative Officer,
Tamil Nadu Housing Board,
Vellore District Housing Division,
Vellore - 9
- .. Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the application of the petitioner for allotment of a housing plot in accordance with law.

For Petitioner : Mr.V.Lakshminarayanan

For Respondent-1 : Mr.A.Bhuvaneswari,
Additional Government Pleader

For Respondents
2 and 3 : Mr.Sayed for
Mr.R.Bharathkumar

O R D E R

The petitioner has come up with this writ petition seeking for issuance of a Writ of Mandamus to direct the respondents to consider the representation of the petitioner dated 07.07.2012 for allotment of a housing plot in accordance with law.

2. The affidavit in support of the Writ Petition is sworn to by the son of the petitioner. It is the case of the petitioner/mother that she is an octogenarian, being 80 years old at the time of filing of this Writ Petition and a physically challenged person. In recognition of her services to society as a social worker, the second respondent had allotted a housing Plot No.S-1 in the Tirupattur Sub-Division Scheme-II through allotment Circular No.3(6)/57432/04 dated 14/9/2004 under the social worker category. The said housing plot had earlier stood in the name of one Rajarani. However, consequent to passing of the Government Order in G.O(Ms).No.220 dated 02.09.2012 by the first respondent, the allotment made in favour of the said Rajarani was cancelled and transferred in the name of the petitioner. Aggrieved by the cancellation order, the said Rajarani has filed a Writ Petition in W.P.No.27610 of 2004 and this Court on 28.07.2006, quashed the Government Order holding that it was impermissible to cancel the allotment order before affording an opportunity of being heard to the said Rajarani. Following the above order, the legal heirs of the said Rajarani, have also taken possession of the housing plot and started construction. Hence, the petitioner made a representation dated 07.07.2012 to the respondents seeking to allot a housing plot. After the decision of this Court in W.P.No.27610 of 2004, the respondents have not proceeded to consider the request of the petitioner. Hence, the petitioner has filed this Writ Petition for the relief stated supra.

3. Heard both sides and perused the materials available on record.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's representation dated 07.07.2012 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from today.

5. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Secretary to the Government,
Housing and Urban Development Department,
Fort St.George, Chennai 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.
3. The Executive Engineer- cum -
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Vellore - 9

W.P.No.15825 of 2013

MP (CO)
CS/17/07/2020



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