

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.16901 of 2013

and

WMP No.1374 of 2016

1. E.Matheswari
2. M.Jayanthi
3. S.Senthilkumar

... Petitioners

Vs

1. The Chairman,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandhanam,
Chennai - 600 035.

2. The Executive Engineer,
TNHB Erode Housing Board,
TNHB Complex, 3rd Floor,
Surampatti nal road,
Erode - 638 009.

3. The Government of Tamil Nadu
Rep. By the Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Secretariat,
Chennai - 9.

R3 Impleaded as per order dated 08.09.2015
in MP No.1 of 2015 in WP.No. 16901/2013

...

Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to consider and dispose of the petitioner's representation dated 25.02.2013 for allotment of site numbers 59 and 60 in middle income group of TNHB's Nasiyanur road Urban development scheme, Erode.

For Petitioner
For Respondents
1 & 2

: Mr.V. Perumal
: Mr.R.Bharat Kumar

ORDER

This writ petition has been filed for a Mandamus to direct the second respondent to consider the petitioners representation dated 25.02.2013 for allotment of site numbers 59 and 60 in middle income group of TNHB's Nasiyanur road Urban development scheme, Erode.

2. The petitioners have sought for an allotment of the aforesaid house sites under the Ex-owners category. It is their case that they gave a representation on 25.02.2013 to the respondents seeking for allotment of the aforesaid house sites under the Ex-owners category. It is the case of petitioners that due to their mother's death on 19.07.2000, they could not immediately reply and give their consent to the offer given by the second respondent on 30.08.2000 to allot plot Nos.59 and 60 at TNHB, Nasiyanur road. It is also their case that their father was also mentally unsound and he also died on 28.06.2010. According to the petitioners, only due to their family circumstances, the consent for allotment of site Nos.59 and 60 could not be given immediately on receipt of the offer made by the respondents. Therefore, the petitioners after coming to know that the site Nos.59 and 60 at the TNHB's Nasiyanur road Urban development scheme, Erode are still available, they gave a fresh representation on 25.02.2013 requesting the respondents to allot site Nos.59 and 60 in middle income group of TNHB's Nasiyanur road Urban development scheme, Erode in favour of petitioners. It is their case that despite the said representation, the respondents have not considered the same. In such circumstances, this writ petition has been filed.

3. The prayer sought in this writ petition is an innocuous prayer as it will not prejudice the rights of the respondents. Admittedly, by letter dated 30.08.2000, the second respondent had offered to allot plot Nos.59 and 60 in the aforementioned layout to the petitioners mother under the Ex-owners category. At that time, the petitioners have not given their consent. According to the petitioners, the reasons for not giving their consent at that time was due to their mother's death and their father's death subsequently.

4. Considering the above factors, this Court is inclined to direct the second respondent to consider the petitioners representation dated 25.02.2013 for allotment of site Nos.59 & 60 in middle income group of TNHB's Nasiyanur Road Urban development scheme, Erode and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the aforesaid direction, the writ petition stands

disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Chairman,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandhanam,
Chennai - 600 035.

2. The Executive Engineer,
TNHB Erode Housing Board,
TNHB Complex, 3rd Floor,
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Erode - 638 009.

3. The Secretary to Government,
The Government of Tamil Nadu
Housing and Urban Development Department,
Fort St. George,
Secretariat,
Chennai - 9.

+1cc to Mr.V.Perumal, Advocate, S.R.No. 16051

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No. 15724

NRJK(CO)
GN(20/03/2020)

W.P. No.16901 of 2013

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