



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.7167 of 2020

and

W.M.P. (MD)Nos.6605, 6606 and 6608 of 2020

WEB COPY

A.Ponshanthi

... Petitioner

Vs

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

2.The Superintending Engineer,
Tamil Nadu Housing Board,
Madurai Circle, Ellis Nagar,
Madurai - 16.

3.The Executive Engineer Cum Administrative Officer,
Tirunelveli Housing Unit,
Kamarajar Salai, Anbu Nagar,
Tirunelveli - 627 011.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Letter No.Masa/S.2/1174-A/2019 dated 23.12.2019 on the file of the Respondent No.2 and quash the same as illegal and consequently for a direction, directing the R,espondent No.3 to allot the Plot No.MIG C 370 in Sangaraperi Small and Medium Town Tuticorin District within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.Mohamed Athief

O R D E R

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents/Housing Board.

2.The petitioner is said to be the allottee of the petition mentioned plot. She had paid a sum of Rs.2,75,000/- initially but she committed default in the matter of paying the balance amount. The petitioner is ready to pay the entire balance amount in one lump sum and she wants the other formalities to be completed by the



respondents/Housing Board. But then, the Housing Board declined to accept the said request. That rejection order is under challenge in this writ petition.

3. When the matter was taken up for final disposal, the learned standing counsel pointed out that the very allotment itself had been cancelled and that the cancellation order was put to challenge before the Appellate Authority and the Appellate Authority has also dismissed the appeal.

4. I concur with the contention of the learned standing counsel that only remedy open to the petitioner is to challenge the order of rejection by the Appellate Authority. The present writ petition is inherently not maintainable. Therefore, the writ petition is dismissed giving liberty to the petitioner to pursue her contest against the order passed by the Appellate Authority sustaining the order of cancellation. I make it clear that all the contentions and rights of the petitioner are left open. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ias

Note : 1. The learned Standing Counsel is directed to serve a copy of the order of cancellation the allotment as well as the copy of the order rejecting the appeal by the petitioner herein.

2. In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

W.P. (MD)No.7167 of 2020

09.07.2020

AP(15/07/2020) 2P 1C