

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.20251 OF 2018

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Housing Board.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus declaring the action of the respondent No.3 in issuing Lr.No.B5/F510/Ph-IV/Ven-II/EE (WD) dt.23.08.2017 rejecting the request made by the petitioner for transfer of allotment from Single Bed Room flat to Double Bed Flat on par with the 4th respondent who was allotted the Double Bed Room flat by cancelling the Single Bed Room allotment vide Lr.No.630-/Ph-IV/Ven-II/EE(WD)/KKP/2016, dt.14.10.2016 by collecting the difference amount, as being illegal, arbitrary, unjust and discriminatory and consequently set aside the same by directing the respondent authorities to allot the double bed room flat by cancelling the single bed room duly collecting the difference of cost as was collected in the case of the 4th respondent, as to”

It has been contended by the petitioner that he was allotted a single bed room flat and accordingly he has occupied the said flat. The grievance of the petitioner is that he had submitted a representation to the respondents during 2010 requesting the respondents for allotment of double bed room flat. But the respondents have rejected the request of the petitioner vide proceedings dated 23.08.2017. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner contends that the 4th respondent was allotted a single bed room flat and after allotment, at the request of the 4th respondent, during 2015, the allotment of

single bed room flat has been changed to double bed room flat vide proceedings dt.14.10.2016. Therefore, he contends that appropriate orders be passed in the writ petition directing the respondents to set aside the impugned rejection order dated 23.08.2017 and allot the double bed room flat to the petitioner as the petitioner stands on similar footing as that of the 4th respondent.

Learned Standing counsel appearing for the respondents had contended that the petitioner has submitted a representation to the respondents requesting for allotment of a double bed room flat after occupying the single bed room flat allotted to him by the respondents. Therefore, he contends that the request of the petitioner was rightly examined and rejected by the respondents vide order dated 23.08.2017. He further contends that though the 4th respondent was allotted a single bed room flat, the 4th respondent before taking possession of the said flat had submitted a representation to the respondents requesting for change of single bed room flat to double bed room flat. At that point of time, since there were vacant two bed room flats, the case of the 4th respondent was considered and he was allotted double bed room flat. He further contends that respondents have decided to put to auction, the few left over vacant double bed room flats and if the petitioner is interested, he can participate in the auction and that the respondents would consider the petitioner's case if he is declared as highest bidder.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the

considered view that admittedly petitioner was allotted single bed room flat way back in the year 2010 and after occupying the said flat, petitioner made a representation for change of single bed room flat to double bed room. As far as the grievance of the petitioner that the case of the 4th respondent was considered and his case was discriminated from being allotting a double bed room flat is concerned, the 4th respondent submitted a representation for re-allotment of double bed room flat before occupying the flat allotted to him. Therefore, the case of the 4th respondent was considered by the respondents.

In view of the above, this Court is not inclined to interfere with the case. However, it is always open for the petitioner to participate in the public auction to be conducted by the respondents for allotment of left over vacant double bed room flats.

With the above observations, this writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 11-02-2020
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