



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 2489 of 2013

and

M.P.No. 1 of 2013

P.Ganga Devi

...Petitioner

Vs

1. Life Insurance Corporation of India,
Represented by its Zonal Manager,
South Zone, having office at
No.153, Anna Salai,
Chennai- 600 002.

2. Life Insurance Corporation of India,
Represented by its Chief Engineer,
Southern Zonal Office,
Having Office at Post Box. No.2450,
No.153, 9th Floor, LIC Building,
Anna Salai, Chennai - 600 002.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus by quashing the letter dated 22.01.2013 in Egg/PHHS-Padi Eri-MDQ-Contingency/31923 of the second respondent and to direct the second respondent to allot the flat bearing No.55/34 Policy Holder's Housing Scheme at Padi Eri, Phase II to the petitioner at the actual price fixed at the time of original allotment.

For Petitioner : M/s.C.Harini

For Respondent : Mr.Manoj Sreevalson
[For R1 & R2]

O R D E R

The relief sought for in the present writ petition is to quash the letter dated 22.01.2013 passed by the second respondent and direct the second respondent to allot the flat bearing No.55/34 Policy Holder's Housing Scheme at Padi Eri, Phase II to the petitioner at the actual price fixed at the time of original allotment.



2. It is an admitted fact that the petitioner was not the original allottee. However, the name of the petitioner was placed in the Contingency list. In the event of any cancellation of allotment made in favour of the original allottee, then the persons, who are included in the Contingency list will be considered for re-allotment of the house in accordance with the seniority in the Contingency list.

3. Admittedly, the house was allotted by way of re-allotment in favour of the petitioner, in view of the fact that the original allottee committed default in payment. The re-allotment was admittedly made in the year 2012 as per the terms and conditions. As on the date of the allotment / re-allotment, the prevailing market value determined by the competent authority is to be claimed for the purpose of allotment. Accordingly, the respondents have determined the prevailing market value and communicated the same to the petitioner for making payment in order to confirm the allotment.

4. The petitioner agreed with the terms and conditions of the allotment and accordingly, got compensation according to the terms and conditions. However, the present writ petition is filed by stating that the authorities ought to have fixed the actual price, fixed at the time of original allotment, in view of the fact that the petitioner was not the original allottee and re-allotment was made in her favour only in the year 2012. As per the terms, the petitioner is liable to pay the prevailing market value as determined by the competent authority and the said amount was communicated. Thus, the petitioner is bound to pay the same for the purpose of confirming the re-allotment made in her favour.

5. This apart, the grievances of the writ petitioner for providing Personal hearing was also complied with and thus, the petitioner is liable to pay the prevailing market value as demanded by the respondents for the purpose of confirming the authority. If at all, the petitioner is not interested in paying the prevailing market value as determined by the respondents as on today, then, the respondents are at liberty to proceed further in accordance with the scheme for allotment in favour of any other person in accordance with the rules and regulations.

6. With these observations, the writ petition stands disposed of. No Costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar



nti/kak

To

1. Zonal Manager,
Life Insurance Corporation of India,
South Zone, having office at
No.153, Anna Salai,
Chennai- 600 002.

2. Chief Engineer,
Life Insurance Corporation of India,
Southern Zonal Office,
Having Office at Post Box. No.2450,
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+1 cc to M/s.C.Harini, Advocate Sr.NO.51496

+1 cc to Mr.Manoj Sreevalson , Advocate Sr.NO.50750

W.P.No. 2489 of 2013

AD (CO)

A.SK(13.10.2021)