



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.7508 of 2018
and
W.M.P.No.9353 of 2018

D.Maheswari

... Petitioner

Versus

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.

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

3.The Executive Engineer cum Administrative Officer,
Tamil Nadu Housing Board,
Hosur Housing Unit,
Hosur-9, Krishnagiri District.

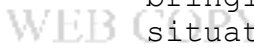
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, forbearing the respondents herein from bringing the house bearing No.HIG Old No.14, New No.1/314-H, situated at 'A' Jettihalli Housing Unit, Dharmapuri which has been already allotted to Petitioner by public drawal of lots and to direct the respondents herein to hand over the possession of house in so far as No. HIG Old No.14, New No.1/314-H, situated at 'A' Jettihalli Housing Unit, Dharmapuri by issuing final allotment order.

For Petitioner : M/S.L.Chandrakumar

For R1 : Mrs.C.Meera Arumugam
Additional Government Pleader

For R2 to R3 : Mr.R.Bharat Kumar
Standing Counsel



ORDER

This Writ Petition has been filed, seeking for issuance of a Writ of Mandamus, to forbear the respondents herein from bringing the house bearing No.HIG Old No.14, New No.1/314-H, situated at 'A' Jettihalli Housing Unit, Dharmapuri which has been already allotted to Petitioner by public drawal of lots and to direct the respondents herein to hand over the possession of house in so far as No. HIG Old No.14, New No.1/314-H, situated at 'A' Jettihalli Housing Unit, Dharmapuri by issuing final allotment order.

2. The case of the writ petitioner is that she has participated and she was initially offered the allotment of flat by the 4th respondent and the petitioner also accepted and provisional allotment order was also issued. While so, after the provisional allotment, the 4th respondent has scrapped the scheme of construction of flats and framed a new scheme for allotment of individual house plots to various residents in and around the subject premises.

3. The learned counsel for the petitioner fairly submits that challenging the scrapping of construction of flats and promoting a new scheme of allotment of individual houses, writ petitions in W.P.Nos.13189 to 13194 of 2018 was filed and the said writ petitions also came to be dismissed by this Court on 24.11.2021. Therefore, in these circumstances, he submits that if the petitioner is interested to purchase the individual house plot and the respondent in which may be directed to consider the petitioner's name in the event any plot is available and the same may be allotted to the petitioner, or in future, if any new scheme is framed by the respondent, the petitioner's name may be considered.

4. Mr.R.Bharath Kumar, learned Standing counsel for the respondents fairly submits that in the event any individual house plot is available, the petitioner's name would be considered for the purpose of allotment of house plots and if no such plot is available as on date and if any new scheme is framed by the respondent for construction of flats in future, definitely the petitioner's name would be considered and the intimation would be sent to the petitioner in advance and if the petitioner is interested, she can also participate.

5. In view of the submissions now made by the learned counsel appearing for the petitioner as well as the respondents, though initially a scheme was proposed for construction of flats which was subsequently scrapped and re-framed as allotment of individual houses and the same was challenged by the petitioner by way of Writ Petition with regard to scrapping of the scheme



of construction of the flats, which was also dismissed, and now the petitioner also shown interest to purchase the house plots if available as on date or in future if any new scheme is framed by the respondent for construction of flats/allotment of plot. In view of the assurance given by the learned Standing counsel for the respondents that the name of the petitioner would be considered if any new scheme is framed by the respondents, this Court, while recording the statement made by the learned Standing counsel for the respondents, directs the respondents to consider the petitioner, if she intend to purchase in the new scheme or in the existing scheme for allotment of the flat/plot if any is still available as on date, if not available, to consider the petitioner's name if any similar scheme is framed by the respondents in future.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

jd/sp

To

- 1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.
 - 2.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.
 - 3.The Executive Engineer cum Administrative Officer,
Tamil Nadu Housing Board,
Hosur Housing Unit,
Hosur-9, Krishnagiri District.
- +lcc to Mr.L.Chandrakumar, Advocate, S.R.No.68229
+lcc to M/s.R.Bharath Kumar, Advocate, S.R.No.69121
+lcc to the Government Pleader, S.R.No.68711

W.P.No.7508 of 2018
and
W.M.P.No.9353 of 2018

PMK (CO)
SB(09/02/2022)