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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.7516 of 2018
and
W.M.P.No.9360 of 2018

N.Hemalatha

... Petitioner

Versus

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development
HB5 (1) Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Chairman and Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai - 600 035.

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

4.The Marketing Manager,
Tamil Nadu Housing Board,
Hosur, Krishnagiri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 04.10.2017 and thereby direct the respondents to permit the petitioner to deposit a sum of Rs.5,00,000/- as initial amount of allotment towards the Old No.HIG 9A, New No.9A 1/333P at 'A' Jettihalli NHS, Dharmapuri pursuant to the Provisional Allotment Order No.HR3/2245/13 dated 24.05.2013 issued by the 4th respondent and handover the possession of the said premises to the petitioner by issuing final allotment order to her.



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For Petitioner : M/S.P.Wilson, Senior Counsel
for M/S.P.Wilson Associates

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

For R2 to R4 : Mr.R.Bharat Kumar
Standing Counsel

O R D E R

This Writ Petition has been filed, seeking for issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 04.10.2017 and thereby direct the respondents to permit the petitioner to deposit a sum of Rs.5,00,000/- as initial amount of allotment towards the Old No.HIG 9A, New No.9A 1/333P at 'A' Jettihalli NHS, Dharmapuri pursuant to the Provisional Allotment Order No.HR3/2245/13 dated 24.05.2013 issued by the 4th respondent and handover the possession of the said premises to the petitioner by issuing final allotment order to her.

2. When this matter is taken up for hearing, Mr.P.Wilson, learned Senior Counsel appearing for the petitioner submits that initially the 4th respondent-Tamil Nadu Housing Board proposed a plan to put up flat/apartment type of construction in the above said addressed property and the petitioner has made a representation to respondent-Tamil Nadu Housing Board for the purpose of allotment of flat. However, subsequently the entire construction of the flat was dropped and a new scheme was formed in its place. The new scheme was proposed and constructed independent houses in the aforesaid addressed property. Thus, the learned Senior Counsel submits that since the proposal to construct the flat was dropped, the petitioner's application may be considered for the purpose of allotment of plots, if anything is left for allotment and in the event of everything is allotted, in the future, the petitioner may be considered for the allotment of the plots on priority basis.

3. In reply, Mr.R.Bharat Kumar, the learned Standing Counsel for the Tamil Nadu Housing Board has submitted that at the time of making the representation, there was a proposal to construct a flat/apartment, however, later they were not in a position due to poor response to pursue the said scheme for constructing the flat and therefore, they have dropped the plan of constructing the flat and thereafter, the scheme was changed and re-framed to construct an independent house. Hence, the allotment was made to those who are interested.



4. However, the learned Senior Counsel for the petitioner submits that the petitioner is also interested to purchase the plots, if any available in the present scheme and the same shall be considered on the basis of the priority and or in the event, any scheme is formulated, the petitioner's name may be considered since the petitioner is interested in it.

5. It is not in dispute that initially the scheme was proposed for construction of flat or apartment, which has been later dropped by the respondent-Tamil Nadu Housing Board and in its place, they proposed to construct an independent house and hence, the prayer sought for in the Writ Petition cannot be considered. However, as requested by the petitioner, the petitioner can be given priority in allotment of plots, if it is available and if the petitioner is interested to purchase the property, the respondent-Tamil Nadu Housing Board can consider the petitioner's claim as it is and in the future, if they formulated any scheme, in which case, the respondent-Tamil Nadu Housing Board is directed to give preference to the petitioner and intimate the petitioner well in advance for purchase of the property.

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

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

jd/sp

To

1.The Secretary to Government,
Housing and Urban Development
HB5 (1) Department,
Secretariat, Fort St.George,
Chennai 600 009.

2.The Chairman and Managing Director,
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No.493, Anna Salai,
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3.The Executive Engineer and Administrative Officer,
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4.The Marketing Manager,
Tamil Nadu Housing Board,
Hosur, Krishnagiri District.

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+1cc to M/S.P.Wilson Associates, Advocate SR.No.68406

+1cc to Mr.R.Bharat Kumar, Advocate SR.No.69218

W.P.No.7516 of 2018
and
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GJ(CO)
GMY(11/01/2022)