



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.4687 OF 2015

AND

M.P.NO.1 OF 2015

Mrs.S.Rajam

...Petitioner

Vs

1. The Secretary to Government,
Housing and Urban Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
2. The Managing Director,
Tamilnadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai - 600 035.
3. The Chairman,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai - 600 035.
4. Executive Engineer & Ad.O
Thirumazhisai Satellite Town Division,
No.792, TKSPM Towers, (1st Floor)
Trunk Road, Poonamallee,
Chennai - 600 056.

... Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records connected with the impugned Letter No.Thi.Thu.Ko.Na.Ko/A2/3498/94 dated 24.11.2014 issued by the 4th respondent on 19.12.2014 and quash the same and permit the petitioner pay the amount that was outstanding as on 7.10.2010 based on the letter dated 7.10.2010 sent by the petitioner and to register the Plot No.EWS-A 3129 in the petitioner's name.



WEB COPY

For Petitioner : Mr.K.Kathiresan
For Respondents : Mr.C.Kathiravan
Government Advocate
[For R1]

Mr.R.Bharathkumar
[For R2 to R4]

O R D E R

The order dated 24.11.2014 issued by the fourth respondent is sought to be quashed in the present writ petition.

2. The petitioner states that she is a Destitute Widow and Tamilnadu Housing Board allotted a plot in the name of her husband D.Sahadevan on 30.03.1994 under the residential E.W.S.A project scheme in Kakkalur, Thiruvallur District. At the time of allotment, the total cost of the plot is Rs.2,400/-. The petitioner states that as per the allotment order, the advance amount of Rs.720/- was paid and the balance amount of Rs.1,680/- was instructed to pay in installment of 240 months, each month a sum of Rs.18/- is to be paid by way of installment. The petitioner states that along with the advance amount, first month installment was paid through Demand Draft and the balance installment was paid thereafter. After the demise of her husband on 21.05.2005, the petitioner came to know about the said allotment of Plot after a long time. Thus, the petitioner states that she could not able to pursue the matter. However, she came to understand that the Plot was cancelled on 11.11.2010. The petitioner states that the cancellation was not intimated and thereafter, the petitioner submitted a representation.

3. Thus, the 4th respondent passed an order, stating that the petitioner has to pay a sum of Rs.6,60,023/- in one installment and in such an event, the allotment will be restored. Admittedly, the petitioner has not paid the said amount and filed the present writ petition.

4. This Court is of the considered opinion that the allotment of the Plot was made in favour of the husband of the petitioner. No doubt, the husband of the petitioner paid the advance amount and subsequently, died in the year 2005. The petitioner was not aware of the allotment made in favour of her husband. Even in case, such a statement in normal circumstances, cannot be trusted upon unless the petitioner could able to prove that she had no knowledge about such allotment. Even presuming that the petitioner has no knowledge about the allotment made in favour of her husband, the respondent has given an opportunity



to the petitioner in order dated 24.11.2014 to pay a sum of Rs.6,60,023/-, enabling her to restore the cancellation and re-allot the Plot in favour of the petitioner. Even the said condition has not been complied with by the petitioner. Contrarily, the petitioner has challenged the said order and now says that she will pay the interest and penalty of Rs.1,00,000/- (Rupees One Lakh only) and she will not be in a position to pay the other amount sought for.

5. The land allotted in favour of the husband of the petitioner is now falling nearby the Chennai City and the market value of the land in that locality has been increased to such an extent and under these circumstances, this Court cannot permit the petitioner to pay lesser amount for such a valuable Plot. In the present case, the respondent had given an opportunity to the petitioner to restore the allotment made in favour of her husband. The petitioner has not availed the opportunity by paying the amount with penalty as stated in the impugned order dated 24.11.2014. Contrarily, the petitioner claims that she will pay only the original cost as per the allotment order.

6. This being the stand of the petitioner, the relief as such sought for cannot be granted and furthermore, the allotment made in favour of the husband of the petitioner was cancelled in the year 2010 and thereafter, the petitioner approached the authorities in the year 2014 and further, the cancelled allotment was dealt with by the Housing Board in the manner known to law.

7. This being the factum established, the relief as such sought for in the present writ petition deserves no merit consideration and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kak



To

1. The Secretary to Government,
Housing and Urban Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
2. The Managing Director,
Tamilnadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai - 600 035.
3. The Chairman,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai - 600 035.
4. Executive Engineer & Ad.O
Thirumazhisai Satellite Town Division,
No.792, TKSPM Towers, (1st Floor)
Trunk Road, Poonamallee,
Chennai - 600 056.

+lcc to Mr.R.Bharathkumar, Advocate, S.R.No.48695
+lcc to the Government Pleader, S.R.No.49011

W.P.No.4687 of 2015

RGN(CO)
CS/20/10/2021