



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-09-2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.40357 of 2016

1.K.J.Shahuna

2.Z.K.Shahuna

..Petitioners

vs.

1. The Chairman,
Tamil Nadu Housing Board,
Anna Salai,
Nandanam,
Chennai - 600 035.

2. The Executive Engineer,
Tamil Nadu Housing Board,
Anna Nagar West Extension,
Chennai - 600 101.

3. The Allottee Service Manager,
Tamil Nadu Housing Board,
Anna Nagar Division,
Chennai - 600 040.

..Respondent

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second and third respondents to consider representation of the petitioners dated 05.10.2016.

For Petitioner : Mr.T.Vasanth

For Respondents : Mr.R.Bharathkumar

O R D E R

The relief sought for in the present writ petition is to direct the second and third respondents to consider representation of the petitioners dated 05.10.2016.

2. Even to issue a direction to consider the representation,



the petitioners have to establish their right. In the absence of establishing any right, no such direction can be issued under Article 226 of the Constitution of India.

3. The petitioners state that they purchased the subject MIG flat at Anna Nagar from the allottee. Thus, it is an admitted fact that the petitioners are not an allottee by the Housing Board. They were the purchaser from the allottee and the learned counsel for the respondent-Housing Board made a submission that the allotment made in favour of the original allottee itself was cancelled by the Tamil Nadu Housing Board.

4. This being the factum established that the petitioners have no contract or agreement with the respondent-Tamil Nadu Housing Board and they were not the allottees. In the absence of any such relationship, the petitioners have no locus standi to claim any right from the Tamil Nadu Housing Board. If at all the petitioners are aggrieved from and out of any such purchase from the allottee, the petitioners have to proceed only with their vendor and not against the Tamil Nadu Housing Board.

5. Thus, the petitioners could not able to establish any such documents in their favour and in the absence of any such documents, it is to be construed that the petitioners have not established any right for the purpose of issuance of direction to consider their representation. However, the petitioners are at liberty to proceed against the person with whom they entered into an agreement or contract.

6. With the abvoesaid liberty, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Chairman,
Tamil Nadu Housing Board,
Anna Salai,
Nandanam,
Chennai - 600 035.



WEB COPY

2. The Executive Engineer,
Tamil Nadu Housing Board,
Anna Nagar West Extension,
Chennai - 600 101.

3. The Allottee Service Manager,
Tamil Nadu Housing Board,
Anna Nagar Division,
Chennai - 600 040.

+1cc to Mr.R.Bharathkumar, Advocate, S.R.No.49390

W.P No.40357 of 2016

PM(CO)
RGA(05/10/2021)