

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.24156 of 2018

and

WMP Nos.28139 and 28140 of 2020

P.Sumathi

...

Petitioner

Vs

1. The Tamil Nadu Housing Board
Rep. by its Chairman / Managing Director,
Nandanam, Chennai - 600 035.

2. The Executive Engineer &
Administrative Officer,
Tamil Nadu Housing Board,
Hosur Housing Unit,
Bhagalur Salai,
Hosur - 635 109.

3. The Manager Sales & Service,
Tamil Nadu Housing Board,
Hosur Housing Unit,
O/o. the Executive Engineer &
Administrative Officer,
Bhagalur Salai,
Hosur - 635 109.

...

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to call for the records relating to the public notice, published in Tamil newspaper "Daily Thanthi", dated 06.09.2018, Salem Edition issued by the 3rd respondent quash the same and consequently direct the respondents 2 and 3 to issue fresh public notification in both Tamil and English newspapers by giving sufficient time for the applicants to take part in the drawing of lot.

For petitioner Mr.G.Ethirajulu

For respondents ... Ms.Vidhya
for Mr.Bharthkumar

ORDER

This writ petition has been filed challenging the public notice issued by the 3rd respondent, which has been published in

Tamil newspaper "Daily Thanthi", dated 06.09.2018, Salem edition on the ground that the petitioner was not granted sufficient opportunity to participate in the drawing of lot conducted by the 3rd respondent for allotment of flats.

2. During the pendency of this writ petition, this Court by its order dated 19.12.2019 directed the learned counsel for the petitioner to file vacancy list of flats available in the housing scheme, for which, the petitioner had applied for allotment of flats.

3. In the aforesaid order, the respondents were also directed to examine whether any flats are available for allotment to the petitioner and if so, whether the petitioner can be allotted with any flat.

4. As directed by this Court on 19.12.2019, the petitioner has filed the affidavits before this Court giving the vacancy list of flats available for allotment under the housing scheme. A memo has also been filed by the respondents on 13.02.2020 stating all the vacant flats are subject matter of litigation and therefore, there is no possibility of allotting any of those flats to the petitioner.

5. The petitioner in this writ petition has only challenged the impugned publication, dated 06.09.2018 on the ground that the petitioner has not been given sufficient opportunity to participate in the drawing of lots conducted by the 3rd respondent/ Housing Board. This being the case, the petitioner if aggrieved by any illegal allotment of flats by the respondents will have to necessarily challenge the same by a separate writ petition. The learned counsel for the petitioner seeks such a liberty from this Court.

6. After giving due consideration to the relief sought for in this writ petition as well as the affidavits filed by the petitioner as well as the memo filed by the respondents pursuant to the directions issued by this Court on 19.12.2019, this writ petition is disposed of by granting liberty to the petitioner to challenge in accordance with law, if he is aggrieved, of any illegal allotment of flats by the respondents to any third parties in the housing scheme for which the petitioner had applied for allotment of flat. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Chairman / Managing Director,
Tamil Nadu Housing Board
Nandanam,
Chennai - 600 035.

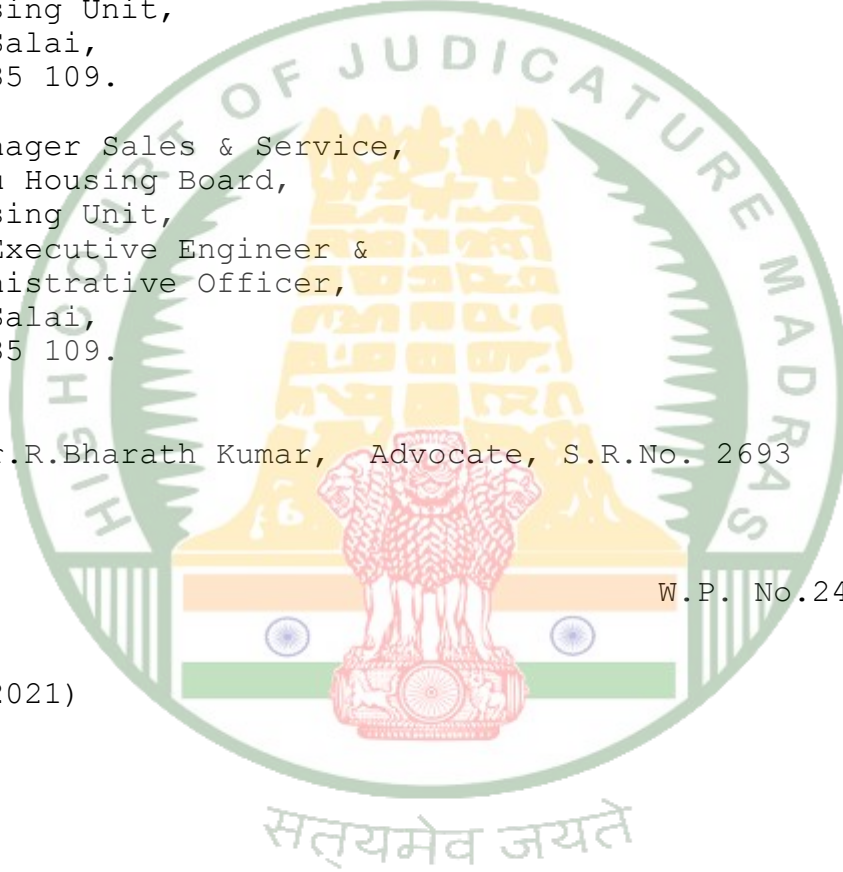
2. The Executive Engineer &
Administrative Officer,
Tamil Nadu Housing Board,
Hosur Housing Unit,
Bhagalur Salai,
Hosur - 635 109.

3. The Manager Sales & Service,
Tamil Nadu Housing Board,
Hosur Housing Unit,
O/o. the Executive Engineer &
Administrative Officer,
Bhagalur Salai,
Hosur - 635 109.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No. 2693

W.P. No.24156 of 2018

NMI (CO)
GN (09/02/2021)



WEB COPY