

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE ABDUL QUDDHOSE

W.P.No.15219 of 2020

Ukkirapandian

... Petitioner

Vs

1. Loganathan

2. The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandhanam, Chennai 600 035.

3. The Executive Engineer and
Administrative Office,
TNHB, Hudco Colony,
Tatabad, Coimbatore - 641 012

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for an issuance of a writ of mandamus to direct the respondents, particularly, second respondent Tamil Nadu Housing Board, Chennai - 35 to allot the Flat No.HIG A 107, Nehru Nagar East, ENHB, Coimbatore, by considering the petitioner's representation dated 03.10.2020.

For Petitioner : Mr.K.Parameshwari
For Respondent-1 : Mr.P.Saravana Sowmiyan
For Respondents 2 and 3 : Mr.R.Bharath Kumar

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the second respondent to consider the petitioner's representation dated 03.10.2020 seeking for allotment of the property HIG A 107 House, Nehru Nagar East, Kalapatti, Coimbatore, which was earlier allotted to the first respondent by the Tamil Nadu Housing Board, within a time frame to be fixed by this Court.

2. According to the petitioner, the aforementioned plot was allotted to the first respondent by the Tamil Nadu Housing Board. According to him, the first respondent had entered into an agreement of sale with the petitioner, by which, the petitioner agreed to purchase the said property. However, according to the petitioner, the Tamil Nadu Housing Board has cancelled the allotment in favour of the first respondent due to non-payment of the instalment amounts. In the affidavit filed in support of this Writ Petition, the petitioner has also stated that criminal proceedings has been initiated against the first respondent by the petitioner. The petitioner has given a representation on 03.10.2020 to the respondents 2 and 3 requesting them to allot the aforementioned plot to him on receipt of the sale consideration. Since the representation has not been considered till date, the petitioner has approached this Court under Article 226 of the Constitution of India.

3. Heard Ms.K.Parameshwari, learned counsel for the petitioner, Mr.P.Saravana Sowmiyan, learned Counsel appearing on behalf of the respondent-1 and Mr.R.Bharath Kumar, learned Standing Counsel appearing on behalf of the respondents 2 and 3.

4. The petitioner claims that he has entered into an agreement of sale with the first respondent in respect of the aforementioned plot. According to him, the first respondent was allotted the plot by the Tamil Nadu Housing Board. However, a Sale Deed was not executed in his favour due to non-payment of instalments. The petitioner claims that he is now willing to pay the balance sale consideration to the Tamil Nadu Housing Board. Therefore, he has given a representation to the respondents 2 and 3 requesting them to allot the aforementioned plot in his favour on receipt of the balance sale consideration.

5. Admittedly, the said representation has not been considered till date. No prejudice will be caused to the respondents 2 and 3, if the representation of the petitioner seeking for allotment of the aforementioned plot to him is considered on merits and in accordance with law.

6. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation seeking for allotment of the property HIG A 107 House, Nehru Nagar East, Kalapatti, Coimbatore, which was earlier allotted to the first respondent and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period

of 12 weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srn

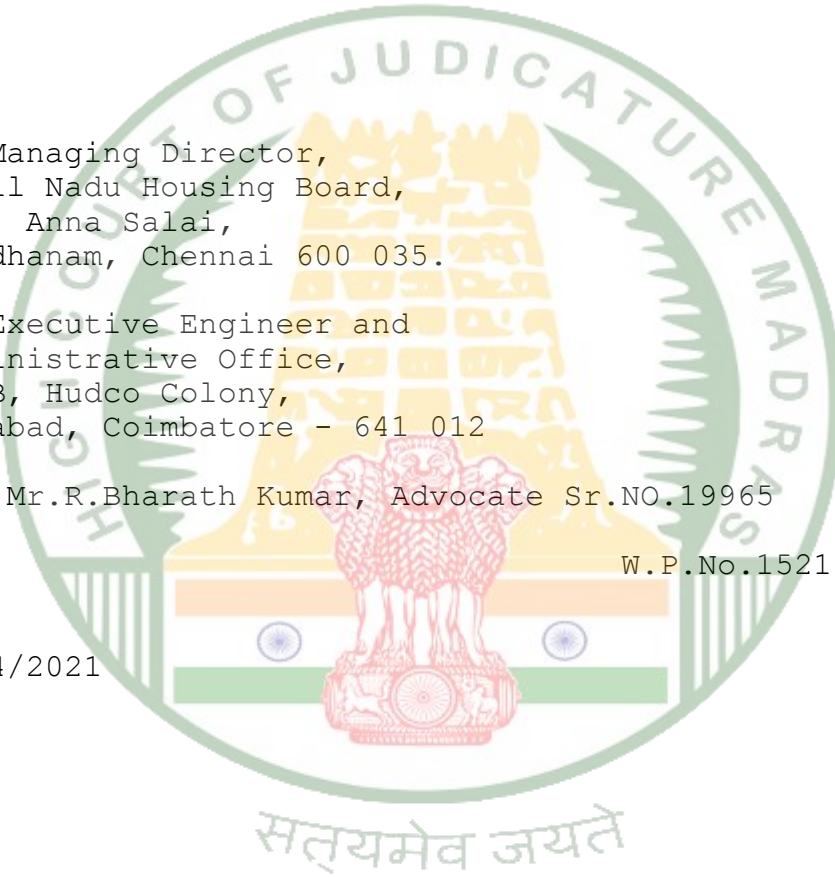
To

1. The Managing Director,
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Nandhanam, Chennai 600 035.
2. The Executive Engineer and
Administrative Office,
TNHB, Hudco Colony,
Tatabad, Coimbatore - 641 012

+1cc to Mr.R.Bharath Kumar, Advocate Sr.NO.19965

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PMK(CO)
NR 20/04/2021



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