



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 18664 of 2021

R. Muthukumar

.. Petitioner

Versus

1. The Government of Tamilnadu
Rep by its Secretary
Housing Department
Secretariat
St. George Fort
Chennai - 600 009
2. The Chairman
Tamilnadu Housing Board,
Chennai.
3. The Managing Director
Tamilnadu Housing Board Office
Office of the Tamilnadu Housing Board
Koyambedu, Chennai
4. The Chief Engineer
Tamilnadu Housing Board Office
Office of the Tamilnadu Housing Board
Koyambedu, Chennai
5. The District Collector
Coimbatore District
Coimbatore
6. The Executive Engineer and
Executive Officer
Kovai Housing Unit



Tamilnadu Housing Board
TATABAD
Coimbatore - 12

.. Respondents

WEB COPY Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation, dated 06.08.2021 and extend benefit to the subsequent 65 purchasers by allotting the newly constructed houses to them within the time limit fixed by this Hon'ble Court.

For Petitioner : Mr. B. Kumarasamy

For Respondents : Mr. R. Bharathkumar (for R1 to R4 & R6)

Mr. Stalin Abhimanyu
Government Counsel (R5)

O R D E R

Mr. R. Bharathkumar, learned counsel takes notice for Respondents 1 to 4 and 6 and Mr. Stalin Abhimanyu, learned Government Counsel takes notice for the 5th Respondent. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

2. Heard all the parties and perused the materials placed before this court.

3. The present writ petition has been filed seeking to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 06.08.2021 and extend benefit of allotment of newly constructed housing sites to the 65 purchasers.

4. According to the petitioner, he is the Co-ordinator of the Joint Action Committee of TNHB Colony, Singanallur, Coimbatore - 641 005. The allottees of houses in the TNHB Colony have formed an Association called Singai Veettu Vasathi Variya Urimaiyalargal Mattrum Maru Kattumaippu Nala Sangam,



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Singanallur and it was registered with No. 350 of 2017. It is stated that the Government of Tamil Nadu acquired land in S.F. Nos. 256/2, 260/1, 260/2, 264/1, 264/2, 264 and 266 in Uppilipalayam Village, Singanallur Coimbatore District measuring 27 acres and 44 cents for construction of housing flats under Uppilipalayam Urban Scheme I, II and III. The sixth respondent constructed 1379 houses and it was allotted to various allottees. The third respondent constructed 1283 houses under Uppilipalayam scheme I, 36 houses under scheme II and 60 houses under scheme III. Such houses were constructed in the year 1984 and they become dilapidated and unfit for human dwelling. Therefore, the second respondent proposed to demolish and re-constructed the dwelling units by entering into tripartite agreement with (i) allottee of houses (ii) The Tamil Nadu Housing Board and (iii) Tamil Nadu Urban Infrastructure Financial Service Limited (TNUIFSL) during the year 2010. When the demolition and re-construction were in process, 65 individual allottees, out of 960 allottees sold their respective allotment and handed over possession after receiving a valuable sale consideration from third parties. The third parties/subsequent purchasers have purchased the properties without being aware of the proposal for demolition and re-construction. On coming to know about the proposal, the 65 purchasers have approached the petitioner's Association and requested to protect their interest by allotting houses as per the allotment orders to their vendors, in the event of demolition and reconstruction in the said area. Accordingly, the petitioner's Association sent a representation dated 06.08.2021 to the respondents requesting to consider the plight of the 65 subsequent purchasers by giving them priority in the matter of allotment of house sites, after construction. However, the said representation has not been considered so far. Hence, the present writ petition.

5. Taking note of the above facts, without going into the merits of the case, this Court directs the third respondent to consider the petitioner's representation dated 06.08.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.



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6. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

dhk/rsh

To

1. The Secretary
Housing Department
The Government of Tamilnadu, Secretariat
St. George Fort, Chennai - 600 009
 2. The Chairman, Tamilnadu Housing Board, Chennai
 3. The Managing Director
Tamilnadu Housing Board Office
Office of the Tamilnadu Housing Board
Koyambedu, Chennai
 4. The Chief Engineer
Tamilnadu Housing Board Office
Office of the Tamilnadu Housing Board
Koyambedu, Chennai
 5. The District Collector, Coimbatore District, Coimbatore
 6. The Executive Engineer and
Executive Officer
Kovai Housing Unit
Tamilnadu Housing Board, TATABAD, Coimbatore - 12
- +1CC to M/s.B.Kumarasamy, Advocate, SR.No. 45059
+1CC to The Government Pleader, SR.No. 45223

WP No. 18664 of 2021

RP(CO)
B.VC (13/10/2021)