



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.A(MD)No.1599 of 2021

and

C.M.P(MD)No.6808 of 2021

I.Parimala Devi ... Appellant / Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to the Government,
Housing and Urban Development,
Fort St. George, Chennai - 600 009.

2.Tamil Nadu Housing Board,
Rep. by its Managing Director,
Nandanam, Chennai - 600 035.

3.The Executive Engineer & Administrative Officer,
Madurai Housing Unit,
Tamil Nadu Housing Unit,
Madurai - 625 016.

... Respondents / Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 23.03.2021 made in W.P(MD)No.6422 of 2021 on the file of this Court.

Prayer in WP(MD). 6422/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Lr.No. A3/H2-62/2004 dt. 23.10.2020 on the file of the respondent No.3 and quash the same as illegal and consequently for a direction, directing the respondent No.1 and 2 to allot the Plot in Plot NO. H2/62 situated at Ranimangammal Colony, Dindigul Dindigul District to the petitioner in accordance with the order passed by this Honble Court in WP(MD) No. 9085 of 2006 dt. 02.06.2007 within the time period stipulated by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

For Appellant : Ms.K.Aswini Devi

For R - 1 : Mr.P.Thilak Kumar
Standing Counsel for the Government

For R - 2 & 3 : Mr.Mahaboob Athiff



JUDGMENT

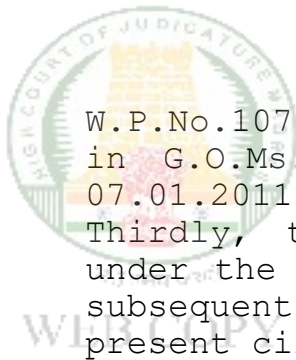
(Judgment of the Court was delivered by
M. DURAISWAMY, J.)

Challenging the order, dated 23.03.2021 passed in W.P(MD) No.6422 of 2021, the writ petitioner has filed the above Writ Appeal.

2.The appellant has filed the Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order, dated 23.10.2020 on the file of the third respondent and to quash the same and to direct the respondents 1 and 2 to allot the Plot in Plot No.H2/62 situated in Ranimangammal Colony, Dindigul, Dindigul District to the petitioner in accordance with the order passed by this Court in W.P(MD)No.9085 of 2006, dated 02.06.2007 within a time frame.

3.It is the case of the petitioner that she was allotted a plot under the discretionary quota reserved by the Government. The plot was allotted against a social worker category, by proceedings, dated 21.06.2004. Thereafter, by order dated 14.08.2006, the Government cancelled the allotment made to the petitioner. Challenging the said order the petitioner along with other allottees, whose allotment had also been cancelled, filed Writ Petitions in W.P(MD)No.9085 of 2006 etc., batch and this Court, by order dated 02.06.2007, allowed the Writ Petitions observing that the principles of natural justice have been violated. Subsequent to the passing of the order in the Writ Petition in W.P(MD)No.9085 of 2006 etc., batch, except the appellant, all other allottees, who were the petitioners in the earlier batch of Writ Petitions, have been allotted back their respective plots. When the appellant questioned the authorities as to the discrimination in allotting the plots, the authorities passed the impugned order, dated 23.10.2020, rejecting the appellant's request. Challenging the said order, the appellant has filed the Writ Petition.

4.The learned Single Judge, taking into consideration the case of both sides, dismissed the Writ Petition on three grounds. Firstly, the learned Single Judge observed that the appellant preferred her representation after a period of 12 years from the date of this Court setting aside the earlier order in cancelling the allotment in the year 2009. So far as the delay is concerned, the appellant has not stated anything in her affidavit filed in support of the Writ Petition. Secondly, the learned Single Judge found that the authorities have also reasoned that subsequently a decision of this Court held that granting of allotment under the discretionary quota was violative of Article 14 of the Constitution of India. Pursuant to the order passed by the Division Bench of this Court in



W.P.No.10780 of 2008, the State Government issued a Government Order in G.O.Ms.No.6, Housing and Urban Development Department, dated 07.01.2011, stating that no allotment would be made under any quota. Thirdly, the learned Single Judge observed that allotments made under the discretionary quota were also set aside by this Court in subsequent decisions. Therefore, the request of the appellant in the present circumstances cannot be considered in her favour.

5. On a perusal of the order, dated 23.03.2021, impugned in the Writ Petition, we do not find any infirmity to interfere with the same. The learned Single Judge, taking into consideration all these aspects, rightly dismissed the Writ Petition. We do not find any ground to interfere with the order passed by the learned Single Judge. The Writ Appeal is devoid of merits and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Principal Secretary to the Government,
Housing and Urban Development,
Fort St. George, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Housing Board, Nandanam, Chennai - 600 035.
3. The Executive Engineer & Administrative Officer,
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