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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.3357 of 2013
and
M.P.Nos.1&2 of 2013

T.V.Raj

Vs

... Petitioner

1. State of Tamil Nadu
Rep.by its Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai 600 009.
2. The Chairman and Managing Director
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.
3. The Executive Engineer and Executive Officer
Hosur Housing Unit, Tamil Nadu Housing Board,
Hosur -635 109.

... Respondents

Prayer : - Writ Petition filed under Article 226 of the Constitution of India pleased to issue a writ of certiorarified mandamus or any other writ or order in the nature of writ calling for the records of the 1st respondent in G.O.(2-D) No.61 Housing and Urban Development Housing 5 (1) Department dated 21.07.2006 and quash the same so far it related to the petitioner alone and further direct the respondents to handover the possession of the plot as per the allotment order in G.O.2D.No.32 Housing and Urban Development Housing 5(1) Department dated 03.02.2004 after collecting the required costs and fees from the petitioner.

For Petitioner : M/s.S.Shrenik Raj

For Respondents : M/s.T.Venkatesh Kumar,
Special Govt. Pleader for R1

M/s.Tholkappian for
M/s.R.Bharath Kumar for R2 & R3



O R D E R

The petitioner challenges the cancellation of allotment of Housing Plot under Discretionary Quota by virtue of G.O.(2-D) No.61 Housing and Urban Development Housing 5 (1) Department dated 21.07.2006 and for handing over the possession of plot in his favour.

2. It is the case of the petitioner that he had applied for a plot under Hosur Housing Scheme Phase 9 and the first respondent by order dated 03.02.2004, allotted a plot to the petitioner under the Government Discretionary Quota. Though the petitioner complied with all the requirements as directed by the third respondent, he has received a communication from the third respondent stating that certain plots are undeveloped plots where drainage, water facilities and road facilities were not made and costs of the plots were not fixed to be demanded from the allottees and that they were wrongly allotted due to the influence of powers, therefore it was cancelled vide order dated 21.07.2006.

3. Learned counsel for the petitioner submits that after two years from the date of allotment, the Board stated that the plots come under the Board Quota and many Board Quota flats and plots were converted into Government Quota and allotments have been made by the Government. He therefore prays for quashing the impugned cancellation order dated 21.07.2006 and to handover the possession of plot allotted to the petitioner.

4. Per contra, learned counsel for the Housing Board submits that the undeveloped plots which were reserved for usage of the Board can be sold either by allotment on lot or auction and the plot allotted to the petitioner was also sold based on the lot conducted by the Board on 10.01.2013.

5. Therefore considering the facts and circumstances and other materials produced before this Court, this Court is of the considered view that the petitioner is not entitled to challenge the cancellation of allotment of plot made in the year 2006 by filing a writ petition in the year 2013 that too without impleading the allottee of the plot to whom it was allotted as per the auction conducted on 10.01.2013. Further, the Government is entitled to allot and cancel as per the discretion provided under scheme. The writ petition, thus, is hit by laches and non-joinder of necessary parties.



6. In view of the above, the writ petition stands dismissed. No costs. Consequently connected miscellaneous petition is also closed.

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Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai 600 009.
2. The Chairman and Managing Director
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.
3. The Executive Engineer and Executive Officer
Hosur Housing Unit, Tamil Nadu Housing Board,
Hosur - 635 109.

+1cc to M/s.R.Bharath Kumar, Advocate, S.R.No.21325

+1cc to the Government Pleader, S.R.No.21690

W.P.No.3357 of 2013
and
M.P.Nos.1&2 of 2013

PMK (CO)
SU (21/04/2022)