

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.15848 of 2022

K.S.Aslam

... Petitioner

vs.

1.The Secretary to Government Housing and Urban
Development Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner Labour,
Office of Commissioner of Labour,
Chennai - 600 006.

3.The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.

4.The District Collector,
Chennai.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Certiorarified Mandamus calling for the records pertaining to the order of the 1st respondent's letter No.14909/நவாபே 2(1)/2021-1 dated 27.04.2022 and quash the same and also directing the 1st respondent to allot the land to an extent of 3536 sq.ft in Survey No.766 bearing Door No.431A, 9th Street, Sharma Nagar, Vyasarpadi. Chennai - 600 039 to the petitioner.

For Petitioners : Mrs.G.Devi

For Respondents : Mr.B.Vijay
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order dated 27.04.2022 passed by the first respondent rejecting the petitioner's representation seeking for allotment of land measuring an extent of 3525 sq.ft. in Survey No.766 bearing Door No.431A, 9th Street, Sharma Nagar, Vyasarpadi. Chennai - 600 039.

2. Mr.B.Vijay, learned Additional Government Pleader accepts notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

3. Heard Mrs.G.Devi, learned counsel for the petitioner and Mr.B.Vijay, learned Additional Government Pleader appearing for the respondents.

4. In the typed set of papers filed along with this writ petition, an order dated 07.07.2017 passed by this Court in W.P.No.1050 of 2010 filed by the very same petitioner has been enclosed, wherein the learned Single Judge of this Court had dismissed the said writ petition after observing that he was inclined to impose costs, in cases of this nature, but he was restrained from doing so with a caveat that any further attempt on the part of the writ petitioner to annex the vacant land adjacent to his house i.e., said property (which itself was encroached and allotted by Government on sympathetic view) may entail costs at the discretion of the court hearing the same.

5. As seen from the aforementioned order of the learned Single Judge, the petitioner has been prohibited from seeking allotment of the property adjacent to his house. However, the petitioner has sought for allotment once again on different ground stating that the labour department who had recommended the third respondent herein to allot vacant land adjacent to his house to him, is not a party to the earlier proceedings. The petitioner had already filed Review application No.99 of 2018 in the said W.P.No.1050 of 2010 and the same was also dismissed vide order of this Court dated 21.01.2019. Thereafter, the petitioner has filed writ appeal in W.A.No.1129 of 2021 against the order dated 07.07.2017 passed in W.P.No.1050 of 2010 and the same is pending on the file of this Court. Therefore, the prohibition still stands and the petitioner cannot seek for allotment of the property adjacent to his house. Despite the same, the petitioner has given an undated representation to the third respondent which came to be rejected which is the subject matter of challenge in this writ petition.

6. When there is a clear prohibition for the petitioner to seek allotment of vacant land adjacent to his house, the present writ petition cannot be entertained. However, learned counsel for the petitioner seeks liberty to raise all her contentions in the writ appeal which is pending on the file of the Division Bench of this Court in W.A.No.1129 of 2021. The said statement is recorded.

7. After recording the statement of the learned counsel for the petitioner, this writ petition is disposed of by granting liberty to raise all grounds available to the petitioner to challenge the order dated 07.07.2019 passed in W.P.No.1050 of 2010, in the writ appeal which is pending on the file of the Division Bench of this Court in W.A.No.1129 of 2021 in the manner known to the petitioner under law. No costs.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Secretary to Government Housing and Urban
Development Department,
Secretariat,
Chennai - 600 009.
- 2.The Commissioner Labour,
Office of Commissioner of Labour,
Chennai - 600 006.
- 3.The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.

4.The District Collector,
Chennai.

+1cc to M/s.G.Devi, Advocate SR.No.39539

+1cc to Mr.D.Veera Sekaran, Advocate SR.No.39794

+1cc to the Government Pleader, SR.No.39618

W.P.No.15848 of 2022

PL(CO)

CB(22/07/2022)