



WEB COPY



W.P.No.17307 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.07.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.17307 of 2022
and W.M.P.No.16649 of 2022

R.Tharani

.. Petitioner

Vs.

1.The Principal Secretary to Government/Chairman,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai,
Chepauk, Chennai – 600 005.

2.The Managing Director,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai,
Chepauk, Chennai – 600 005.

3.The Executive Engineer,
Tamil Nadu Urban Habitat Development Board,
397 A, North Housing Unit, Selvapuram,
Coimbatore – 641 026.

4.P.Kaliammal

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the third respondent by proceedings in Allotment Order dated 09.06.2022 in respect to the tenement bearing No.59, Block A, 5th Floor,



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Kallamedu Housing Scheme, Coimbatore and quash the same and consequently direct the respondents 1 to 3 to allot one tenement to the petitioner at Kallamedu Housing Scheme, Coimbatore.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondents : Mr.T.Seenivasan,
Special Government Pleader [R1]
Mr.Babu Muthu Meeran,
Standing Counsel [R2 & R3]

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the third respondent dated 09.06.2022 under which, the petitioner has not been allotted a tenement.

2. Mr.T.Seenivasan, learned Special Government Pleader, accepts notice on behalf of the first respondent and Mr.Babu Muthu Meeran, learned Standing Counsel, accepts notice on behalf of the second and third respondents. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, originally she was allotted a plot by the respondents and a token was also issued in her favour where she was displaced where the respondents put up a new apartment complex. According



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to the petitioner, after the construction of the new building complex, the petitioner has not been re-allotted a unit as agreed under the impugned order.

Under those circumstances, this Writ Petition has been filed.

4. The learned Special Government Pleader appearing for the first respondent has placed before this Court the instructions received by him from the respondents and would submit that as per the said instructions, the petitioner was not an allottee. According to the respondents, the allottee was the petitioner's father namely Ravi Kumar and her grandmother namely Thulasiammal, who have been allotted a unit in the new building complex. Since the petitioner was not the original allottee and a unit in the new building has been allotted to the actual allottees, who are the petitioner's father and grandmother, the question of allotting another unit to the petitioner, will not arise.

5. The learned counsel for the petitioner also fairly admits that the petitioner's father and his grandmother have been allotted units in the building complex constructed by the respondents.



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6. For the foregoing reasons, there is no merit in this Writ Petition.

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7. Accordingly, this Writ Petition is dismissed. No costs. Connected miscellaneous petition is closed.

08.07.2022
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Speaking/Non-speaking order
Index: Yes/No

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To

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ABDUL QUDDHOSE,J.

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