



W.P.No.857 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

**W.P.No.857 of 2017**

S.Jothikrishnan

..Petitioner

Vs.

1.The Chairman,  
Tamil Nadu Housing Board,  
Nandanam, Chennai – 600 035.

2.The Manager,  
Sales and Service,  
Tamil Nadu Housing Board,  
Anna Nagar Zone, Thirumangalam,  
Chennai – 600 101.

3.The Commissioner of Labour,  
DMS Campus, Anna Salai,  
Chennai – 600 006.  
(R3 impleaded vide order dated 05.10.2020 made  
in WMP.No.15110/2017 in WP.No.857/2017)

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the 2<sup>nd</sup> respondent to receive and accept the allotment fee and the arrears of rent from 04/98 to till date as specified by the 2<sup>nd</sup> respondent in her Letter No.A.N.Aa.II.3/3337/2015 dated 26.11.2015.



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For Petitioner : Mr.S.Ilamvaludhi for  
for Mr.R.Kamesh Kumar  
For Respondents : Mr.D.Veerasekaran for R1 & R2  
Ms.V.Yamunadevi  
Special Govt. Pleader for R3

### **ORDER**

The petitioner seeks issuance of Writ of Mandamus, directing the 1<sup>st</sup> and 2<sup>nd</sup> respondents to receive and accept the allotment fee and arrears of rent from April,1998 till date as specified by the 2<sup>nd</sup> respondent in the letter dated 26.11.2015 and pass such or further orders as may be necessary.

2.The case of the petitioner is that upon recommendation of the Commissioner of Labour, the Tamil Nadu Housing Board allotted a small plot bearing Plot No.225, Sharma Nagar on 22.07.1991 to his father. In April 1998, another letter was issued by the Commissioner of Labour, requiring the petitioner to approach the Housing Board and obtain allotment of the plot No.225. The petitioner would further contend that upon the death of his father, the right has devolved upon him and therefore, he is



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entitled to get the allotment. Claiming that the 1<sup>st</sup> respondent has refused to receive the money when tender, the petitioner has approached this Court.

3.The 3<sup>rd</sup> respondent / the Commissionr of Labour has filed a counter stating that the allotments were made in 1991 and thereafter, there was no further proceeding by the Commissioner of Labour and it was for the Housing Board to have taken steps for allotment or cancellation or whatever it is. The Secretary & Personal Officer, Tamil Nadu Houssing Board has filed a counter stating that Sharma Nagar Welfare Association and Sri Dharmasastha Ayyappa Seva Sangam have claimed that Plot No.225 have not been allotted to anybody. One Perumal had claimed that he has been residing in the house in Plot No.225 for 30 years therefore, he should be allotted the said plot. Considering the claims and counter claims, the Commissioner of Labour was directed to produce records regarding the allotments.

4.Mrs.J.Lakshmi, Superintendent in the Office of the Commissioner of Labour appears in person. She has also produced the



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original records. A perusal of the original records shows that Plot No.225 was not allotted to anybody in the 1991 proceedings in the Commissioner of Labour. The file also discloses that the Communication of the year 1998 produced by the petitioner along with the Writ Petition was not addressed by the Commissioner of Labour.

5.The learned counsel for the petitioner would however, rely upon the letter ddated 23.10.2015 by Housing Board wherein, the Tamil Nadu Housing Board has required the petitioner to produce allotment order, death certificate, legal heirship certificate, residency certificate, Voters ID, Ration card and rental receipts. I am of the considered opinion, this by itself, would not confer a right on the petitioner.

6.The petitioner makes an application for name transfer, the Housing Board requires the petitioner to produce the records including the allotment order. Now, it transpires that the allotment itself was not made to the petitioner or any other person. Even in the records of the Housing Board that had been produced, it is very clearly stated that the house in Door



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No.225 is in a dilapidated condition and has not been allotted to anybody.

Therefore, it is clear that the plot claimed by the petitioner was not allotted to his father or any other person. Hence, the petitioner is not entitled to mandamus as prayed for.

7.This Writ Petition fails and it is accordingly, dismissed. No costs.

**11.07.2022**

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Index:No  
Internet:Yes  
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**R.SUBRAMANIAN, J.**

KKN

To:-

- 1.The Chairman,  
Tamil Nadu Housing Board,  
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