



W.P.No.32956 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.32956 of 2022
and
W.M.P.No.32352 of 2022

Thirunyanamani

...Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu Housing Board,
Koyambedu, Chennai.
- 2.The Executive Officer-cum-Manager (Marketing),
Tamil Nadu Housing Board,
Villupuram Housing Board Division,
East Pondy Road, Maharajapuram,
Villupuram Taluk & District.
- 3.The Superintendent,
Tamil Nadu Housing Board,
Villupuram Housing Board Division,
East Pondy Road, Maharajapuram,
Villupuram Taluk & District.
- 4.The District Collector,
Villupuram District.
- 5.Thirumathi A.Gayathri Niranjana Devi

..Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling upon the records of the 2nd respondents in Letter No.R/4/2880/2012, dated 23.01.2021 and Letter No.UTM/0515/21, dated 08.06.2022 and quash the same as illegal and thereby direct the 1 to 3 respondents to allot a Plot No.MIG-117 in Old T.S.Nos.31/1, 34/1 Part, 34/4 Part, New T.S.Nos.205/1A & 225, R.S.Nos.163/2 Part, 163/2A Part, 163/2B Part, 167/2, 168/1, 168/3, Ward-B, Old Block – 15, New No.40, Keelperumpakkam Village, Villupuram Town measuring 1199 Sq.ft to the petitioner herein.

For Petitioner : Mr.R.Mubarak Basha

For Respondents : Mr.D.Veerasekaran

Standing Counsel for R1 to R3

Mr.T.Seenivasan

Special Government Pleader for R4

ORDER

The petitioner challenges the order of the Tamil Nadu Housing Board, informing her of the cancellation of the allotment made as early as on 23.01.2021.



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2.The petitioner's husband, Ramalingam was allotted a MIG Plot in the scheme promoted by the Tamil Nadu Housing Board at Keelperumbakkam Village of Villupuram District at a cost of Rs.8,48,000/-. Since the said Ramalingam did not pay the security deposit, the allotment was cancelled on 31.05.2013. On 11.06.2013, the allottee paid the security deposit and one monthly instalment totalling to Rs.96,360/- apart from the fees for annulling the cancellation of the allotment. Upon such payment, the cancellation of allotment was annulled.

3.Since he did not pay the balance amount or the monthly instalments, various notices were sent to him. One of his daughters, Mrs.R.Gowri paid a sum of Rs.1,00,000/- on 19.08.2020 and had informed the Housing Board that the allottee had died on 10.11.2014. She had also asked for transfer of allotment in her favour. She was required to provide the details of the legal heirs. She was not able to provide the entire details. The husband of the one of the daughters raised a dispute, therefore, the allotment was cancelled on 23.01.2021 and the petitioner was intimated.



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4.In view of the said developments, I do not think, I can interfere with the cancellation at this distant point of time. With a view to consider the case of the petitioner sympathetically, the learned counsel for the Tamil Nadu Housing Board was required to find out whether there are any other plot in the scheme, which is vacant and the same could be allotted to the petitioner subject to the condition, she would pay the difference in price.

5.Mr.D.Veerasekaran, learned counsel for the Housing Board has filed a position note which discloses that almost all the plots have been allotted except 1-MIG, 15-LIG plots. For those plots also advertisements have been made calling for applications and applications have been received from the general public. Therefore, we cannot now interrupt the said allotment process.

6.Finding no merit in the Writ Petition, this Writ Petition is dismissed. However, the Housing Board is directed to consider repayment of amounts paid by her husband as well as her daughter, which roughly about Rs.3,00,000/- as of today. The petitioner if so advised, will make a



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claim for refund and such claim will be considered by the Housing Board sympathetically. No costs. Consequently, connected miscellaneous petition is closed.

09.12.2022

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Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

To:-

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R.SUBRAMANIAN, J.

KKN

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