



W.P.(MD)No.18766 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.09.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.18766 of 2022

and

W.M.P.(MD)Nos.13687, 13689 and 13691 of 2022

S.Satyapriya

.. Petitioner

Versus

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

2.The District Collector,
Madurai District,
Madurai.

3.The Executive Engineer,
Tamil Nadu Urban Habitat Development Board,
Madurai Division,
169, K.K. Nagar Main Road,
Madurai – 625 020.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the second respondent's impugned order in Na.Ka.No. 40137/2022/J4, dated 27.07.2022, quash the same and direct the second respondent seeking allotment of house, which was constructed by the Tamil Nadu Urban Habitat Development Board, at Athikulam, Madurai District.



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For Petitioner : Mr.R.Kannan
For Respondents 1 and 3 : Mrs.S.Latha
For 2nd Respondent : Mr.D.Gandhiraj
Special Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the second respondent's impugned order in Na.Ka.No.40137/2022/J4, dated 27.07.2022, quash the same and direct the second respondent to allot a house, which was constructed by the Tamil Nadu Urban Habitat Development Board, at Athikulam, Madurai District.

2.The case of the petitioner is that she belongs Hindu Sourashtra Community and is working as daily wager, residing in a rented house and living under poverty. As per Pradhan Mantri Awas Yojana [PMAY-U], the Government has decided to provide basic amenities and provide houses to the poor people, those who do not have own houses at an affordable price and constructed 100 houses in Athikulam, Madurai, and completed the work in the year 2021-2022.



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3.The petitioner submits that as per the scheme, the Tamil Nadu Urban Habitat Development Board has to allot apartment houses for the houseless poor people. The petitioner has sent a representation to the second respondent/District Collector, Madurai, seeking allotment of free or monthly installment house, which was constructed by the first respondent/Tamil Nadu Urban Habitat Development Board, at Athikulam, Madurai District, and the same was not considered. Hence, the petitioner has filed W.P.(MD)No.2061 of 2022 before this Court and the same was disposed of on 18.02.2022, directing the second respondent to consider the petitioner's representation dated 27.12.2021 and pass final orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of the said order. Thereafter, the second respondent, has passed an order dated 27.07.2022, rejecting the request of the petitioner. Challenging the said order, the petitioner has filed the present Writ Petition.

4.The third respondent filed a counter affidavit stating that a detailed letter dated 28.03.2022 has been addressed to the petitioner informing that 320 tenements are being constructed at Athikulam, Madurai District. Out of the said 320 tenements, 304 tenements are to be allotted to the old allottees, those who already resided in Athikulam Scheme. For allotment of the remaining 16



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tenements, 80 applications were received before the order passed by this Court dated 18.02.2022 in W.P.(MD)No.2061 of 2022 , in the grievance redressal meeting of the second respondent/District Collector, Madurai and the consolidated reports were submitted to the District Collector for verification of the eligibility of the applicants by the Revenue Department for allotment of the above said 16 tenements at Athikulam Scheme. Further, it has been stated that at present, the District Revenue Authority has accepted 68 applications among the above said 80 applications for allotment of 16 tenements at Athikulam. The above said 16 tenements will be allotted on drawal system among the above 68 applicants at the time of allotment of the tenements after completion of construction works.

5.The petitioner has filed a Contempt Petition in Cont.P.(MD)No.1047 of 2022 in W.P.(MD)No.2061 of 2022 and the said petition was closed on 15.06.2022, since the order of this Court was complied with. The third respondent requested the petitioner to submit some documents to verify her eligibility for allotment of a tenement at Rajakkur, Periyar Nagar, since there is no possibility to allot a house at Athikulam with a concern letter to pay the beneficiary's contribution amount of Rs.1,75,000/- as per the rules and norms of the Rajakkur "HFA" Scheme to consider her request to allot a tenement at Rajakkur Scheme, vide R.O.C.No.2779/A3/2022, dated 28.08.2022. However,



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so far, the petitioner has not furnished the required documents and the consent letter for remittance of beneficiary's contribution amount. Hence, it was not possible to consider the petitioner's request to allot a tenement at Rajakkur Scheme.

6.The second respondent/District Collector, Madurai, has informed the petitioner, vide his letter in Roc.No.40137/2022/J4, dated 27.07.2022, to apply with required documents to the Executive Engineer, TNUHDB, Madurai Division, Madurai, if she is willing to get a tenement at Rajakkur "Housing For All" Scheme and therefore, the third respondent prayed for dismissal of the Writ Petition.

7.From the materials on record, it is seen that the petitioner's case has already been considered and an order has been passed on 28.03.2022, rejecting her claim, giving reasons and the said letter has been sent to the petitioner by RPAD and the postal receipt has been produced before this Court. The second respondent sent the letter dated 28.03,2022, to the petitioner, wherein it has been clearly stated that in Athikulam Scheme, there are no houses left for being allotted to her and they have asked the petitioner to apply for Rajakkur Scheme, wherein certain conditions have been stated. The petitioner has not responded to the same and therefore, her request was rejected, vide letter dated



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18.07.2022, which finds place in the typed set of papers filed by the petitioner at Page No.32. The petitioner cannot maintain this Writ Petition, as already she filed a Writ Petition on the same ground to consider the representation, dated 27.12.2021, and based on the said order passed in the Writ Petition, the petitioner's request has already been considered and rejected. As already the second respondent/District Collector, Madurai District, has directed the petitioner to submit some documents to verify her eligibility for allotment of a tenement at Rajakkur, Periyar Nagar, since there is no possibility to allot a house at Athikulam, with a consent letter to pay the beneficiary's contribution amount of Rs.1,75,000/- as per the rules and norms of the Rajakkur "HFA" Scheme, the petitioner can approach the authorities, if she is interested in getting an allotment by paying Rs.1,75,000/-. The petitioner is not interested in Rajakkur Scheme.

8.It is submitted by the learned counsel for the petitioner that new houses will be constructed at Uchappatti, Thoppur, Madurai, and the cost of the house may be lesser than the Rajakkur HFA Scheme, and therefore, the petitioner can be considered for that scheme. As there is no plea in the affidavit and also the scheme is yet to be commenced and the Court is not aware of the conditions and procedures for allotment, therefore, the plea of the petitioner is rejected. The petitioner is at liberty to approach the authorities if any future schemes are floated by the Government.



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9.This Writ Petition stands dismissed with the above observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

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28.09.2022

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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