



W.P.(MD)No.3981 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :23.12.2022

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.3981 of 2014

T.Aruna

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai.

2.The Executive Engineer,
Administrative Officer,
Madurai Housing Board,
Ellis Nagar,
Madurai 625 016.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in letter No:MH25/1933/2012 dated 03.01.2014 and quash the same and direct the 1st respondent to give suitable direction to the 2nd respondent to provide the vacant site in Survey No.19/6 (Part) in Ellis Nagar, Madurai and extent of 15 feet X120 feet under the disabled persons reservation quota by extending the benefit at par with given in the education and employment for the disabled persons and as per the existing rules by considering the petitioner's representation dated 06.12.2013 within the period stipulated by this Court.



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For Petitioner :Mr.A.Haja Mohideen
For Respondents :Mr.R.Sivakumar
Standing Counsel for R1 & R2

ORDER

The writ petition has been filed seeking for a writ of certiorarified mandamus, to quash the letter of the 2nd respondent, dated 03.01.2014 and to direct the 1st respondent to give suitable direction to the 2nd respondent to provide the vacant site in Survey No.19/6 (Part).

2. The petitioner had made various representations to the respondent as well as to the Chief Minister's Cell, seeking allotment of vacant site in Survey No.19/6. Those representations were placed before the 2nd respondent, who had rejected the request, holding that the lands in the hands of the Housing Board could be disposed of only as per the provisions of the Tamil Nadu Housing Board Act.

3.The learned counsel for the petitioner would submit that the petitioner is a disabled person and he should have been given priority in the



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matter of allotment.

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4. Countering his arguments, the learned counsel for the respondent would submit that the respondent is a statutory body bound by the statute, namely, the Tamil Nadu Housing Board Act, 1961. According to him, as per Section 72 of the Tamil Nadu Housing Board Act, mandates as to how the Housing Board will have to be dealt with the property which has been vested with it.

5.I have considered the rival submissions made on either side.

6.The case of the petitioner is that he is a disabled person and he should have been given priority for granting of a house site. It is not the case of the petitioner that when the scheme was introduced, he made an application for allotment. As rightly pointed out by the learned counsel appearing for the respondent, the Housing Board will have to comply with the provisions of Tamil Nadu Housing Board Act 1961. Section 72 of the said enactment mandates that after completion of the scheme, if any lands



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are left out, the said land can disposed of only by way of a public auction.

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7. In view of the aforesaid findings, I do not find any merits in the writ petition and accordingly, the same is dismissed. There shall be no order as to costs.

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Index : Yes / No
Speaking Order/Non Speaking Order
sbn

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K.KUMARESH BABU, J.

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