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W.P.Nos.2666 of 2021 & etc batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.2666 , 2671, 2670, 2673 & 2669 of 2021
and W.M.P.Nos.2989, 2990, 2991, 2992, 2993,
2995, 2996, 2988, 2983 & 2987 of 2021

[W.P.No.2666 of 2021]

N.Manikandan

.. Petitioner

vs

1. The State of Tamil Nadu

By its Secretary to Government

Housing and Urban Development Department

(HB5 (1) Department

Secretariat, Fort St. George

Chennai 600 009.

2. The Chairman and Managing Director

Tamil Nadu Housing Board

No.493, Anna Salai

Nandanam, Chennai 600 035.

3. The Executive Engineer cum Administrative Officer

Tamil Nadu Housing Board

Hosur Housing Unit, Hosur – 9

Krishnagiri District.

4. The Marketing Manager

Tamil Nadu Housing Board

Hosur, Krishnagiri District.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus, to call for the records of the third respondent pertaining to undated notice issued by the third respondent along with the notice dated 03.02.2021 published in the “Makkal Kural” Tamil News Paper and quash the same insofar as it auctions the flats/plots in the HIG Hire Purchase Scheme at A-Jettihalli, Dharmapuri District and consequently direct the respondents 2-4 to allot the petitioner an alternate flat/plot in the HIG Hire Purchase Scheme at A-Jettihalli, Dharmapuri District in place of the flat allotted to the petitioner vide allotment order dated 24.05.2013 and handover the possession of the premises to the petitioner by considering the petitioner's representation dated 27.01.2021.

For the Petitioner : Mr.P.Wilson
for M/s.P.Wilson Associates

For the Respondents : No Appearance
for respondent 1

Mr.D.Veerasekaran
Standing Counsel
for respondents 2, 3 & 4

ORDER

The orders impugned dated 03.02.2021, issued by the third respondent are sought to be quashed in these writ petitions.



W.P.Nos.2666 of 2021 & etc batch

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2. The impugned order is a notification, inviting application from the public for allotment of flats under higher income group.

3. The learned Senior Counsel appearing on behalf of the petitioners made a submission that the old scheme was abolished and a new scheme was formulated. Under the new scheme, the petitioner in W.P.No.2666 of 2021 was allotted with Flat No.HIG (I) 70, the petitioner in W.P.No.2669 of 2021 was allotted with Flat No.HIG (I) 60A, the petitioner in W.P.No.2670 of 2021 was allotted with Flat No.HIG (I) 67 (ground floor), the petitioner in W.P.No.2671 of 2021 was allotted with Flat No.HIG (I) 72 and the petitioner in W.P.No.2673 of 2021 was allotted with Flat No.HIG (I) 9A. Based on the telephonic message received from Thiru.R.BharathKumar, Advocate / Standing Counsel for Tamil Nadu Housing Board dated 21.10.2021, the third respondent issued Letter No.H.R.5/2958/2013 dated 25.10.2021. In the said letter, the revised cost of the flats were indicated as Rs.35,58,000/-.



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4. The learned Senior counsel appearing on behalf of the petitioners made a submission that the petitioners are willing to accept the revised flat cost and pay the same to the Housing Board for getting allotment.

5. The learned counsel appearing on behalf of the respondent / Housing Board, made a submission that in this regard, a confirmation letter is to be given by the petitioners and based on the letter, the Housing Board has to take a decision.

6. In view of the facts and circumstances, the petitioners are at liberty to submit a letter of consent, accepting the flat cost indicated in letter dated 25.10.2021 and on receipt of any such request letter from the petitioners, the respondent / Housing Board shall pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of the copy of representation from the petitioners.



W.P.Nos.2666 of 2021 & etc batch

7. With these directions, both the writ petitions stand disposed of.

There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

08.03.2023

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Index : Yes/No

Neutral Order: Yes/No

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To:

1. The State of Tamil Nadu
By its Secretary to Government
Housing and Urban Development Department
(HB5 (1) Department
Secretariat, Fort St. George
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S.M.SUBRAMANIAM,J.

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