



W.P.No.4889 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.Nos.4889 of 2023
and W.M.P.Nos.4910, 4911 & 11297 of 2023

1.G.Dhanasekaran
2.G.Sampath
3.G.Madhan

... Petitioners

Vs.

1. Principal Secretary to Government
Housing and Urban Development Department
Government of Tamil Nadu
Secretariat, Chennai-600 009.
2. The Chairman
Tamilnadu Urban Habitat Development Board,
No.5, Kamarajar Salai
Chepauk, Chennai-600 005.
3. The Managing Director,
Tamilnadu Urban Habitat Development Board,
No.5, Kamarajar Salai
Chepauk, Chennai-600 005.



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4. The Secretary,
Tamilnadu Urban Habitat Development Board,
No.5, Kamarajar Salai
Chepauk, Chennai-600 005.

5. The Estate Officer-VII
Tamilnadu Urban Habitat Development Board,
No.5, Kamarajar Salai
Chepauk, Chennai-600 005.

6. Ruthsaral.

... 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 on the file of the 3rd respondent in Proceeding No.செ.மு.க.எண்.இ7/13412/2011, Dated 11.01.2023 and quash the same and further direct the respondents 1 to 5 herein to allot the plot bearing No.43 at Door No.18, Parthasarathy Koil Street, Ekkadduthangal, Chennai-600 032 to the petitioners.

For Petitioner : Mr.P.K.Sabapathi

For Respondents : Mr.P.Sathish,
Additional Government Pleader
for R1.

: Mrs.K.Indhumathi Venkatesh,
for R2 to R5.



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: Mr.M.Selvaraj for R6.

ORDER

This Writ Petition has been filed assailing the impugned proceedings of the 3rd Respondent and for a direction to the respondents 1 to 5 to allot the Plot No.43 at Door No.18, Parthasarathy Koil Street, Ekkadduthangal, Chennai-600 032 to the petitioners.

2. It is the case of the petitioners that initially, the petitioners' late father namely Ganesan was in possession and enjoyment of the property belonging to the Government. After the demise of their father, the petitioners are in possession and enjoyment of the aforesaid property. While so, the 6th respondent who was a tenant under the petitioners' father having created a bogus documents, obtained the allotment order from the 2nd respondent vide order dated 27.06.2007. On coming to know that the 6th respondent was not in possession of the property, the said allotment order was canceled by the 4th respondent vide order dated 20.07.2012. Subsequent to said cancellation order, the petitioner filed a Writ Petition in



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W.P.No.2183 of 2013 for a direction to the respondents for allotment of Plot No.43 wherein, this Court had granted *status quo* restraining the 6th respondent from interfering with the peaceful possession of the property. Per contra, the 6th respondent filed a suit in O.S.No.773 of 2013 on the file of the XVI City Civil Court wherein, an order of injunction was passed as against the petitioners.

3. It is further submitted that, the 6th respondent had filed a Writ Petition in W.P.No.4341 of 2013 challenging the cancellation order passed by the 4th respondent, which was disposed of with a direction to the 6th respondent to file a statutory appeal which shall be considered by the Chairman/Appellate Authority and appropriate orders would be passed. In compliance of the order, the 3rd respondent has passed the present impugned order by setting aside the cancellation order of the 4th respondent and restoring the allotment order of the 2nd respondent in favour of the 6th respondent. Challenging the same, the petitioners have filed this Writ Petition.



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4. Learned counsel for the petitioners submitted that as against the petitioners suit in O.S.No.773/2013 for permanent injunction is pending. Therefore, liberty may be granted to the petitioners to canvass all the points before the court below where the suit is pending and also to make appropriate application before the Slum Clearance Board after succeeding in the suit, for re-consideration of the present impugned order.

5. On the above contention, this Court heard the learned Additional Government Pleader appearing for the 1st respondent and the learned counsel for respondents 2 to 6.

6. Though the petitioners have filed this Writ Petition seeking a larger relief, however, in view of the submission made by the learned counsel for the petitioners, liberty is granted to the petitioners to canvass all the points before the court below where the suit is pending and it is open for the petitioners to work out their remedy in the manner known to law, subject to



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the outcome of the suit.

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7. Accordingly, this Writ Petition stands disposed of with the aforesaid liberty. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No
Speaking Order : Yes / No
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