



WEB COPY



W.P.No.25071 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2023

CORAM :

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

W.P.No.25071 of 2013

P.Chellappan

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Petitioner

vs

1. The Chairman

Tamil Nadu Housing Board
Nandhanam, Chennai 600 035.

2. The Executive Engineer and Administrative Officer

Hosur Housing Unit
Tamil Nadu Housing Board, Bagalur Road
Hosur 635 109.

3. M/s.A.C.Ramamurthy and Co.

Rep. by its Partner Madalal Chawla
S-6, II Floor, Shanthi Complex
(Opposite to bus terminal)
Hosur – 635 109.

[R3 *suo motu* impleaded vide order dated
02.03.2022 in W.P.No.25071 of 2013]

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Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent, the Executive Engineer and Administrative Officer, Hosur Housing Unit, Tamil Nadu Housing Board, Hosur in Letter



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No.HR.11/1718/2013 dated 27.05.2013 and quash the same and consequently direct the respondents to provide the community hall in Plot No.148-B to the residents of Krishnagiri Neighbourhood Scheme Phase II.

For the Petitioner : Mr.V.Nicholas

For the Respondents : Mr.D.Veerasekaran
for respondents 1 & 2

Not ready in notice
for respondent 3

ORDER

The order dated 27.05.2013 passed by the Executive Engineer and Administrative Officer, stating that the community hall, allotted based on the sale deed, was already sold in favour of M/s.A.C.Ramamurthy & Company and therefore, the request of the petitioner cannot be considered, is under challenge in the present writ petition.

2. The petitioner is the allottee of the Plot No.194 of Kattignanapalli Housing Board Scheme. The grievance of the writ petitioner is that, as per the approved sale deed, the plot No.33A was earmarked for community hall. However, the said plot was not utilized for that purpose and therefore, the



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order impugned is to be set aside.

3. The learned counsel appearing on behalf of the third respondent relied on the counter affidavit and made a submission that in the sale deed in Plot No.33A, measuring about 17 grounds and 1850 Sq.ft was reserved for community hall and the same was conveyed to one M/s.A.C.Ramamurthy & Company under the sale deed dated 02.12.2004, which is registered in Document No.2196/4 in the office of the Joint Sub Registrar II, Krishnagiri District for a sum of Rs.47,00,000/-. The sale deed has been executed in favour of M/s.A.C.Ramamurthy & Company on the basis of open auction and the said purchaser has been declared as a highest bidder. Since the said portion was already allotted in favour of M/s.A.C.Ramamurthy and Company the grievances of the writ petitioner, at this length of time, cannot be considered. That apart, the learned counsel appearing for the respondents 1 and 2 states that the Plot No.148B at Krishnagiri, Phase I is earmarked for Subdivision Office-cum-godown in the approved layout.



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4. If at all any grievance exist in the matter of allotment or otherwise, the petitioner is at liberty to approach the competent forum for resolving the issues.

5. With these liberty, the writ petition stands disposed of. There will be no order as to costs.

13.03.2023

Index : Yes/No
Neutral Order: Yes/No
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To:

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S.M.SUBRAMANIAM,J.

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