



W.P.No.20363 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

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P.Kaliyammal

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Kanchipuram District.

2.The Deputy Director/Project Director,
District Rural Development Agency,
Pradhan Mantri Awaas Yojana – Gramin,
Collectorate, Kanchipuram District.

3.The Block Development Officer,
Village Panchayath,
Acharapakkam Panchayath Union,
Kanchipuram District.

4.The Panchayath Secretary,
Morapakkam Village,
Acharapakkam Panchayath Union,
Madurantagam Taluk,
Kanchipuram District.

5.S.Kaliyammal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to issue allotment order in favour of the petitioner for construction house, under the



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Scheme of Pradhan Mantri Awaas Yojana – Gramin, within a stipulated time may be fixed by this Court.

For Petitioner : Mr.J.Agni Selvaraju

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader [R1 & R2]
Mrs.V.Yamuna Devi
Special Government Pleader [R3 & R4]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the third respondent to issue allotment order in favour of the petitioner for constructing house, under the Scheme of Pradhan Mantri Awaas Yojana – Gramin, within a stipulated time may be fixed by this Court.

2. The case of the petitioner is that the petitioner is having house in Survey No.214/3, Block No.46 vide Plot No.214. The petitioner belong to down trodden community and below poverty line. Hence, he applied for construction of house under the scheme of Pradhan Mantri Awaas Yojana – Gramin through the fourth respondent in the month of February, 2017. Total subsidy amount was a sum of Rs.1,20,000/- (Rupees One Lakh Twenty Thousand only). Subsequently, his request was accepted by the



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third respondent. Therefore, the third respondent has deposited 1st term subsidy amount of Rs.26,029/- (Rupees Twenty Six Thousand and Twenty Nine only) on 26.07.2017 for construction of house under the above said scheme in the petitioner's Savings Bank Account maintained in Indian Overseas Bank, Madurantagam Branch. But, the allotment order was not issued to him, hence, the petitioner approached the third respondent for allotment order. However, the third respondent has not considered the request made by the petitioner. On 18.01.2018, the said deposit amount has been withdrawn by the third respondent without any notice to him. Thereafter, the third respondent deposited Rs.26,715/- dated 23.02.2018 and Rs.26,681/- dated 23.04.2018 respectively to petitioner's bank account and subsequently, the petitioner continuously approached the third respondent to consider his request. However, without any notice to the petitioner, the third respondent cancelled the petitioner's allotment order and issued in favour of the fifth respondent, as against which, the petitioner's husband made a representation on 01.06.2018 before the respondents 2 and 3 to issue allotment order under the above said Scheme. Since the same was not considered, the present Writ Petition is filed before this Court for appropriate directions.



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3. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the respondents 2 and 3 to consider the petitioner's representation dated 01.06.2018 and pass appropriate orders, within a time frame that may be fixed by this Court.

4. Mrs.V.Yamuna Devi, learned Special Government Pleader appearing for the respondents 3 and 4 seeks time to file counter.

5. Mr.E.Veda Bagath Singh, learned Special Government Pleader appearing for the respondents 1 and 2 would submit that, in paragraph No.5 of the petitioner's affidavit, it has been stated that the third respondent has already issued allotment order in favour of the fifth respondent. Without challenging the allotment order issued in favour of the fifth respondent, filing this writ petition is not maintainable. Hence, he prayed for dismissal of this writ petition.

6. As rightly pointed out by the learned Special Government Pleader appearing for the respondents 1 and 2, already the allotment order was issued in favour of the fifth respondent. Without challenging the said



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allotment order issued in favour of the fifth respondent, approaching this Court by way of filing a Writ Petition is not maintainable. Hence, the prayer sought by the petitioner cannot be granted, therefore, the Writ Petition is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed. However, the petitioner is at liberty to challenge the allotment order issued in favour of the fifth respondent. No costs.

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Index : Yes / No

Speaking order / Non-speaking order
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