



WEB COPY



W.P. No.10997 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.10997 of 2018

and

W.M.P. Nos.12898 and 12899 of 2018

Logaraj

...Petitioner

VS.

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai – 9.

2. The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandhanam,
Chennai – 35. *

... Respondents

* impleaded as per order
dated 13.08.2019 in
WMP No.10997 of 2019

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus call for the records of the proceedings Letter No.26049/Ve Va.2(2)/2017, dated 5.1.2018 on the file of the respondent and quash the same and further direct the respondent to allot the building to the petitioner in the Housing Board building at Chennai on Rental basis.



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For petitioner : Mr.S. Lakshmanasamy
For respondents : Mr.S. Balamurugan,
Government Advocate for R1
Mr.D. Veerasekaran for R2

ORDER

This writ petition has been filed to call for the records of the proceedings Letter No.26049/Ve Va.2(2)/2017, dated 5.1.2018 on the file of the 1st respondent and quash the same and further direct the respondents to allot the building to the petitioner in the Housing Board building at Chennai on Rental basis.

2. It is averred in the affidavit filed in support of this writ petition that the petitioner is a National record holder in Taekwondo and awarded Gold medal in South level competition as well as Bronze medal in National level competition and he is engaged as Trainer cum Coach. It is stated that he hails from a middle-class family and therefore, he is unable to pay huge rents in a private building. In such circumstances, he came to know about the allotment of houses on rental basis in Lloyds colony, which building pertains to Housing Board. Therefore, he submitted several representations to the respondents and the last of representation, dated 02.01.2018 has been responded by the respondents, but unfortunately his request for allotment of Housing



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Board building on rental basis was rejected by the 1st respondent vide letter dated 05.01.2018. Aggrieved over the same, this writ petition has been filed.

3. Learned counsel for the petitioner placed his arguments based on the grounds raised in this writ petition and he stated that the respondents have failed to consider the position of the petitioner as Record Setter and hence, he prays for quashing of the impugned order as well as for issuance of a direction to the respondents with regard to allotment of Housing Board building on rental basis to the petitioner under the discretionary quota.

4. Reiterating the counter affidavit filed by the 1st respondent, learned Government Advocate submitted that the allotment of Housing Board building on rental basis under the discretionary quota was cancelled. He drew the attention of this Court to paragraph No.5 of the Counter, wherein it is stated that the Government have issued G.O. Ms. No.426, Housing and Urban Development Department, dated 14.06.1993 in this regard. Therefore, the order passed by the 1st respondent, which is impugned herein is proper and no interference is warranted.

5. Mr.D. Veerasekaran, learned counsel for the 2nd respondent



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submitted that the subject Flat in Housing Board Building at Lloyds Colony is in dilapidated condition and furthermore, due to the doing away with the discretionary quota, the respondents are unable to allot houses under the said scheme on rental basis also. Hence, he prays for rejection of prayer in this writ petition.

6. Heard the learned counsel on either side and perused the materials placed before this Court.

7. The fact that the petitioner is a record setter in sports is not disputed by the respondents. It is equally not in dispute that subsequent to the passing of G.O. Ms. No.426, Housing and Urban Development Department, dated 14.06.1993, the allotment of Housing Board building under the discretionary quota/public quota, is no longer available. Though the petitioner claims allotment only on rental basis, it is clear that due to non-availability of the said scheme, the request made by him has been rejected by the respondents. When the Government has taken a policy decision to do away with the discretionary quota/public quota, the Court, sitting under Article 226 cannot interfere with the said policy decision, which has been the consistent view of this Court. Further, it is the case of the Housing Board that the said vacant building is in a dilapidated condition. Such being the case, allotment of the said building to anyone,



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much less the petitioner, would not be in the interest of the petitioner as well as any person, who is getting trained under him. Thus, it is clear that respondents have taken note of the condition of the building also, prior to passing of the impugned order. Therefore, this Court does not find any infirmity in the impugned order, dated 5.1.2018 passed by the 1st respondent. The only remedy available to the petitioner is to participate in the lot system of the Housing Board scheme.

8. For the reasons aforesaid, this writ petition is devoid of merits and, accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

08.03.2023

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
Neutral citation case : Yes / No
vsi2



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M.DHANDAPANI, J.

vsi2

To

1. The Secretary to Government,
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