



W.P.No.14914 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.14914 of 2023

and

W.M.P.No.14506 of 2023

M.Renukadevi

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu Housing Board
(C.M.D.A. Complex),
E & C Market Road,
Koyambedu,
Chennai – 107.
- 2.The Manager,
Sales (M) Service,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam,
Chennai – 600 101.
- 3.The Executive Engineer & A.D.O,
Tamil Nadu Housing Board,
(Anna Nagar Division),
Thirumangalam,
Chennai – 600 101.



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4.The Assistant Engineer,
Tamil Nadu Housing Board,
(Anna Nagar Division),
Thirumangalam,
Chennai – 600 101.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the cancellation of allotment order in Letter No.A.Na.O.2/0549/2022 dated 29.11.2022 on the file of the second respondent and quash the same and directing the respondents to revoke the cancellation and confirm allotment of house in Residence No.48/126, 13th Floor, Korattur, Anna Nagar to the extent of 648 sq.ft as per the allotment order issued by the second respondent in his Letter No.ANA.3/0549/2022 dated 28.10.2022.

For Petitioner : Mr.Sugumar R. Rajulu

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records relating to the cancellation of allotment order in Letter No.A.Na.O.2/0549/2022 dated 29.11.2022 on the file of the second respondent and quash the same and to direct the respondents to revoke the cancellation and confirm allotment of house in Residence No.48/126, 13th Floor, Korattur, Anna



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Nagar to the extent of 648 sq.ft as per the allotment order issued by the second respondent in his Letter No.ANA.3/0549/2022 dated 28.10.2022.

2. The case of the petitioner is that, she was allotted a house on 27.10.2022 by way of drawing of lots VIZ Residence No.48/126 to an extent of 648 sq.ft by the second respondent by way of the allotment order in Letter No.ANA.3/0549/2022 dated 28.10.2022. However, the same was cancelled by the second respondent through the impugned order, on the ground that her husband namely R.Murali was already allotted a house in Residence No.L-47/73. Challenging the impugned order, the above writ petition is filed before this Court.

3. The learned counsel for the petitioner submits that, already the petitioner got separated from her husband 10 years back and in view of the separation, the petitioner is entitled for allotment of housing plot in her favour. Therefore, the cancellation of allotment made by the second respondent on the ground that her husband was already allotted housing plot is not sustainable. Hence, he prays for appropriate orders.



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4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. Admittedly, the petitioner was allotted a house in Residence No.48/126 on 27.10.2022 and the same was cancelled by the second respondent on the ground that her husband was already granted house in Residence No.L-47/73. Though the petitioner claim that she got separated from her husband 10 years back, however, she has not produced any records before this Court to prove the same. In the absence of any records to show that she was separated from her husband, the order impugned cannot be interfered with and as per the Tamil Nadu Housing Board Regulations, any one of the family member is entitled for housing plot. In view of the same, since the petitioner's husband was already allotted housing plot, another family member, i.e., the petitioner herein is not entitled for any allotment of housing plot. Hence, the prayer sought for in the writ petition cannot be granted and the writ petition is liable to be dismissed.



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6. Accordingly, the writ petition is dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

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M.DHANDAPANI, J.

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