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WP Nos.15528, 15529 and 15445 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Writ Petition Nos.15528, 15529 and 15445 of 2018
and
W.M.P. Nos.18433, 18434 and 18333 of 2018

D. Mohan	...	Petitioner in WP No.15528
T. Raja	...	Petitioner in WP No.15529
S. Anitha	...	Petitioner in WP No.15445

Versus

1. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandhanam,
Chennai - 600 035.
2. The District Revenue Officer /
Secretary Cum Personnel Officer,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandhanam,
Chennai - 600 035.
3. The Superintending Engineer,
Tamil Nadu Housing Board,
Madurai Circle, Ellis Nagar,
Madurai - 16



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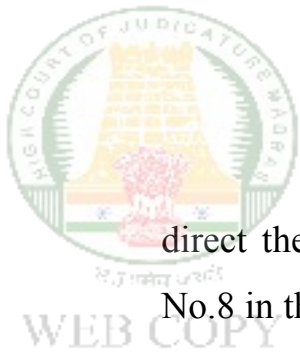
4. The Executive Engineer and
the Administrative Officer,
Trichy Housing Unit,
Kajamalai Colony,
Trichy - 620 020.

5. The Manager,
Sales and Service,
O/o. Executive Engineer and Administrative Officer,
Trichy Housing Unit,
Kajamalai Colony,
Trichy - 620 020.

..Respondents in all WPs

Prayer in W.P. No.15528 of 2018: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order passed by 5th respondent vide his proceedings in No.R4/7362/2014, dated 17.05.2018 and quash the same as arbitrary and illegal which has been issued by camouflaging the order dated 18.04.2016 passed by this Court in W.P. No.7152 of 2015 and consequentially direct the respondents not to create any third party interest in H.I.G. house/plot No.7 in the Ariyalur Kurumpanchavadi Scheme - III (Ariyalur - SFS - PH III)

Prayer in W.P. No.15529 of 2018: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order passed by 5th respondent vide his proceedings in No.R4/7354/2014, dated 17.05.2018 and quash the same as arbitrary and illegal which has been issued by camouflaging the order dated 18.04.2016 passed by this Court in W.P. No.7151 of 2015 and consequentially



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direct the respondents not to create any third party interest in H.I.G. house/plot No.8 in the Ariyalur Kurumpanchavadi Scheme - III (Ariyalur - SFS - PH III)

Prayer in W.P. No.15445 of 2018: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order passed by 5th respondent vide his proceedings in No.R4/7365/2014, dated 17.05.2018 and quash the same as arbitrary and illegal which has been issued by camouflaging the order dated 18.04.2016 passed by this Court in W.P. No.7153 of 2015 and consequentially direct the respondents not to create any third party interest in H.I.G. House No.6 in the Ariyalur Kurumpanchavadi Scheme - III (Ariyalur - SFS - PH III)

For Petitioner in all W.P.s : Mr.M.S. Govindarajan
For Respondents in all W.P.s : Mr.D. Veerasekaran
Standing counsel

COMMON ORDER

Since the issue involved in all these writ petitions is one and the same, these writ petitions are disposed of by this common order.

2. The crux of the issue involved herein is that the respective petitioners were earlier allotted plots by the respondents under HIG Housing scheme in lot system on 22.12.2014 viz., Plot No.13 for petitioner in W.P. No.15529 of 2018; Plot No.18 for petitioner in W.P. No.15445 of 2018 and Plot No.26 for petitioner in W.P. No.15528 of 2018. Thereafter, respective petitioners have approached



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the 4th respondent seeking for alternative allotment and subsequently, their request was considered, pursuant to which, they approached the respondents for execution of sale deed in their favour. When that being so, the 4th respondent cancelled the order of alternative allotment of Plot vide his proceedings dated 22.04.2015, without issuing due notices. Challenging the cancellation order, they filed writ petition before this Court in W.P. No.7152 of 2015 and on 18.04.2016 the impugned order therein was set aside and the matter was remitted back to the respondents for fresh consideration. Pursuant to orders of this Court on 18.04.2016 in W.P. No.7152 of 2015, the 2nd respondent rejected the request of the petitioners as they cannot allot plot that was not covered under the lot. Aggrieved over the same, the petitioner has filed writ petition viz., W.P. No.18868 of 2017, which is pending before this Court. While so, as the said alternative plots are still vacant, the petitioners have approached this Court by invoking the jurisdiction under Article 226 of the Constitution of India. Hence this writ petition.

3. Learned counsel for the petitioners fairly submitted that during the pendency of these writ petitions, subsequent development have taken place and the respondents have passed final orders in the above issue. In view of passing of final orders by the respondents, the prayer sought for in these writ petitions have



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now become infructuous.

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4. Learned Standing Counsel for the respondents submitted that the relief of alternative allotment could not be entertained at this stage. Further, he submitted that only on payment of entire amount for the initial allotment made in favour of the petitioners, the respondents can act further. Hence, he prays before this Court for issuance of appropriate directions in the above regard.

5. Heard learned counsel on both sides and perused the materials placed before this Court.

6. It is not in dispute that the respective petitioners were allotted plots viz., Plot Nos.18, 13, 26 under HIG Housing scheme on the basis of lot system. Further, it is also an undisputed fact that the petitioners sought for alternative plots, which was sanctioned initially and subsequently rejected by the respondents. It came to light from the submissions of the learned counsel for the petitioners that during the pendency of these writ petitions, subsequent developments have taken place and thereby the prayer sought for in these writ petitions have now become infructuous.

7. In view of the above, these writ petitions are dismissed as infructuous. However, it is made clear that the respective petitioners are entitled for the



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allotment of plots viz., Plot Nos.18, 13 and 26 made earlier and they are not entitled for the alternative allotment. Further, it is also made clear that the respondents shall execute Sale Deed in respect of earlier allotments to the respective petitioners, upon payment of balance amount for the said allotment. Also liberty is granted to the petitioners to work out their remedy in the manner to law. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

To

1. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandhanam,
Chennai - 600 035.

2. The District Revenue Officer /
Secretary Cum Personnel Officer,
Tamil Nadu Housing Board,
No.493, Anna Salai,
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3. The Superintending Engineer,
Tamil Nadu Housing Board,
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4. The Executive Engineer and
the Administrative Officer,
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