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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.39542 of 2016
and
W.M.P.Nos.33818 & 33819 of 2016

D.Kalaiselvam Lenine ... Petitioner

Vs.

1.The Union of India
Rep. by the Chief Secretary to Government
Government of Union Territory of Puducherry
Puducherry.

2.The Under Secretary to Government (Housing)
Government of Union Territory of Puducherry
Puducherry.

3.The Puducherry Housing Board
Rep. by its Secretary
Government of Union Territory of Puducherry
Puducherry. ... 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 on the file of the 3rd respondent herein relating to the impugned order dated 31.05.2016 bearing Ref. No.32872/ PHB/EW-4/ MPakkam/ Dis.Pur./LF/ 2012-13/508 and quash the same and consequently direct the respondents to

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allot one plot to the petitioner pursuant to G.O.Ms./40/2015 dated 21.12.2015 without insisting upon the surrendering of the original Sale Deed dated 11.05.1989.

For Petitioner	: Mr.P.Jagadeesan
For R1 & R2	: Mrs.Sharada Vivek Additional Government Pleader [Puducherry]
For R3	: Mr.T.M.Naveen

O R D E R

The order impugned dated 31st May, 2016, rejecting the claim of the petitioner for allotment of one undeveloped plot at Murungapakkam Revenue Village, Puducherry is under challenge in the present writ petition.

2. The petitioner states that his father Mr.Durairaj Lenine had purchased a housing plot measuring 1200 Sq.ft in Ward – N, Block No.12, T.S.No.22/2, R.S.No.144/2, Ca.No.471, Patta No.622 by a registered Sale Deed dated 08.05.1989 registered as Document No.1336/1989.

3. Thereafter, Land Acquisition proceedings were initiated and the acquired lands were sold by forming a layout to various persons. There were

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litigations regarding the purchase of the subject land. The proceedings ended in favour of the Puducherry Housing Board and thereafter, they formulated a scheme and allotted the same to the beneficiaries by fixing certain terms and conditions.

4. The grievance of the writ petitioner is that he is also an eligible applicant and has submitted an application along with all requisite documents. His case was rejected merely on the ground that the petitioner had not produced the original documents with reference to the land belonging to his father. Production of original documents is a condition stipulated in the scheme and citing the said reasons, the case of the petitioner was rejected.

5. The learned counsel for the petitioner states that the original documents were lost and the petitioner has obtained certified copies from the Government Authorities and submitted the same to the Puducherry Housing Broad for considering his case. The certified copies were not accepted and the claim was rejected.

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6. The learned counsel for the respondent / Housing Board objected the said contention by stating that production of the original documents becomes mandatory under the scheme and non-production is a ground to reject the application. Thus, there is no infirmity in respect of the order passed.

7. That apart, this Court has considered the issued in the writ petition filed by ***Murungappakkam Kaviarasu Bharathiyar Nagar Manni Vangoyor Nala Sangam Vs. Puducherry Housing Board and Others*** in ***W.P.No.44281 of 2016,*** dated 12.01.2017, wherein, this Court directed the District Collector to consider the issues and pass appropriate orders. The District Collector considered the issues elaborately and passed an order on 11.08.2022, stating that scrutinising committee after due consideration of the applications received has rejected 22 applications as they were not covered under the meaning of "Distressed Purchasers" and the rejection orders were approved in the 130th Board Meeting. Thus, reviewing of the guidelines for selection of "Distressed Purchasers", which had been approved by the Government does not hold any merit and accordingly, rejected the claim of all the 22 applications submitted by the respective members of the said Association.

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8. The scheme was formulated in the year 2015. Already seven and half years had lapsed. Issues were already finalised and allottees were handed over with their respective plots as per the allotment. The scheme was implemented and completed within a period of four months. Admittedly, the petitioner has not submitted the original document during the relevant point of time. That apart, the order impugned states that the petitioner has failed to comply the terms and conditions prescribed under Clauses 1 to 6 of the Government order issued. On account of efflux of time and considering the fact that the scheme was closed long back in the year 2016 itself, there is no scope for reconsidering the case, as many other applications were also rejected during the relevant point of time on the same ground.

9. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes
Speaking order
Neutral Citation : Yes

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To

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S.M.SUBRAMANIAM, J.

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