



W.P.No.26651 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 13.09.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.26651 of 2023
& W.M.P.Nos.26085 & 26086 of 2023

Dr.R.Baskaran

...Petitioner

-Vs-

1. The Principal Secretary to Government,
Housing and Urban Development Department,
Tamil Nadu State Secretariat,
Fort, St., George, Chennai.-600 009.

2. The Secretary,
Public (Special B) Department,
Tamil Nadu State Secretariat,
Fort, St.George, Chennai-600 009.

3. The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex, E & C Market Road,
Koyambedu, Chennai-600 107.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Letter of the Third Respondent bearing Letter No. Allot 1.6/01045/2023 dated 27.03.2023 and to quash the same, consequently direct the Respondents to take necessary action to allot the unsold Flat No: A1, Block "P", on the First Floor in TAISHA, PHASE-



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II, Nerkundram project, to the petitioner within a stipulated time fixed by this Hon'ble Court.

Petitioner	: Mr.I.Prakash Raj
R1 & R2	: Mr.G.Ameedias Government Advocate
R3	: Mr.D.Veerasekaran

ORDER

The petitioner is a retired civil servant and recommends a modification to the scheme promoted by the Tamil Nadu Housing Board for allotment to certain class of people. This is entirely within the province of Tamil Nadu Housing Board and the Tamil Nadu Housing Board has intimated the petitioner that notwithstanding the class of people to which it intended the scheme before, it has recommended the case of the petitioner to the Government and it is pending before the Government.

2.Mr.G.Ameediam, learned Government Advocate takes notice for the respondents 1 and 2.

3.Mr.D.Veerasekaran, learned counsel takes notice for the third respondent.



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4.This court is at a loss to understand what role it has vis-a-vis its jurisdiction under Article 226. This court wonders how this court can direct the Tamil Nadu Housing Board to allot an apartment, when the petitioner does not fall within the norms fixed for the allotment. What is unconstitutional about it, to invoke the jurisdiction of this Court, they have to fall within the counters of Article 226 and this Court cannot mindlessly extend the scope of the writ jurisdiction to accommodate every grievance of every litigant. This Court adjudicates on the rights and duties of the litigants and is not running the Government.

5.At this point, the learned counsel for the petitioner seeks the leave of the Court to withdraw this Petition and states that his client would wait for the decision of the Government.

6.The Writ Petition is dismissed as withdrawn. Consequently, the connected miscellaneous petitions are closed. No costs.

13.09.2023

Index : Yes/No
Internet : Yes/No
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N.SESHASAYEE, J.,

Tsg/gvn

To

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Housing and Urban Development Department,
Tamil Nadu State Secretariat,
Fort, St., George, Chennai.-600 009.
2. The Secretary,
Public (Special B) Department,
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Order made in
WP.No.26651 of 2023
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