



W.P.No.11287 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2023

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11287 of 2017

A.Sahayaraj

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Petitioner

vs

1. Tamil Nadu Housing Board

Rep. by its Chairman and Managing Director

493, Anna Salai

Nandanam, Chennai – 600 035.

2. The Assistant Secretary (Allotment)

Tamil Nadu Housing Board

493, Anna Salai

Nandanam, Chennai – 600 035.

3. The Executive Engineer (Plot)

Administrative Officer

Tamil Nadu Housing Board

Tatabad, Coimbatore – 12.

4. The Manager Sales (Plot) Allotment Scheme

O/o The Executive Engineer

Tamil Nadu Housing Board

Coimbatore Housing Unit

Tatabad, Coimbatore – 12.

5. Renuka

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Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 21.11.2016 and 04.02.2017 and execute the sale deed infavour of the petitioner pursuant to allotment order dated 23.08.2002 for the plot No.8 situated at Kalapatty Village, Coimbatore District under the scheme of Land Bank Scheme, EWS-II, Housing Special Division-II.

For the Petitioner : Mr.P.Arumugavel

For the Respondents : Mr.D.Veerasekaran
for respondents 1 to 4

Not ready in notice
for respondent 5

ORDER

The relief sought for in the present writ petition is to direct the second respondent to consider the representation submitted by the writ petitioner on 21.11.2016 and 04.02.2017 and execute a sale deed in favour of the petitioner.

2. The petitioner states that the allotment order dated 23.08.2002 was issued in his favour allotting a plot in Land Bank Scheme at Kalapatty



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Village. The communication issued by the Housing Board to the petitioner reveals that the allotment was subsequently issued in favour of one Smt.Renuka, who is the fifth respondent in the present writ petition. The petitioner has not challenged the allotment order, if any issued in favour of the fifth respondent. However, in communication dated 23.02.2016, it was informed to the petitioner that the allotment was given in favour of one Smt.Renuka.

3. The subsequent communication of the Executive-cum-Administrative Officer to the Assistant Secretary (Allotment) reveals that certain clarifications are sought for from the authority to ascertain the facts regarding the allotment made in respect of the plot concerned. While so, the respondents are open to conduct enquiry with reference to the documents and evidences and ascertain who is the genuine allottee in respect of the plot No.8, EWS-II under the Land Bank Scheme and accordingly issue appropriate orders by affording the opportunity to the petitioner and the fifth respondent.



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4. The Secretary-cum-Personal Officer in the Head quarters shall be appointed as the enquiry officer to conduct an enquiry in order to resolve the dispute between the petitioner and the fifth respondent. The enquiry officer shall complete the enquiry and pass appropriate orders as expeditiously as possible.

5. With these directions, the writ petition stands disposed of. There will be no order as to costs.

13.03.2023

Index : Yes/No
Neutral Order: Yes/No
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To:

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S.M.SUBRAMANIAM,J.

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