



W.P.(MD)No.626 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.626 of 2021

Gomathi. N,

... Petitioner

Vs

1. State of Tamil Nadu,
Rep by its Principal Secretary to the
Government, Housing and Urban
Development, Fort St.George, Chennai
600 009.

2. Tamil Nadu Housing Board,,
Rep by its Managing Director, Nandanam,
Chennai 600 035.

3. The Executive Engineer Cum,
Administrative Officer,
Ellis Nagar
Unit Office,
Tamil Nadu Housing Board,
Madurai 625 016.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, directing the respondent No.1
and 2 to allot the Commercial Plot in Plot NO.C7 situated at



W.P.(MD)No.626 of 2021

Ranimangammal Colony, Part I, Dindigul, Dindigul District to the petitioner in accordance with the order passed by this Court in WP(MD).No.9086 of 2006 dated 02.06.2007 by way of considering the representation of the petitioner dated 01.10.2019 within the time period stipulated by this Court.

For Petitioner :Mr.S.Rajasekar,

For Respondents :Mr.S.Selvaganesan for R1
Additional Government Pleader
Mr.R.Sivakumar for R2 & R3
Government Advocate (Crl. side)

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the first and second respondents to allot the plot in accordance with the orders passed by this Court in W.P.No.9086/2006 dated 02.06.2007 by considering the representation made by the petitioner on 01.10.2019.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader and Government Advocate (crl.side) for the respondents.



W.P.(MD)No.626 of 2021

WEB COPY

3. The case of the petitioner is that the subject plot was allotted in favour of the petitioner through the work order dated 21.06.2004 under the discretionary quota. The petitioner was allotted the plot under the social worker category. This allotment was cancelled by the Government through Government Order dated 14.08.2006. The petitioner along with other allottees, whose allotment was also cancelled, filed writ petitions before this Court. The writ petitions in W.P.No.9086/2006 etc. came to be disposed of by an order dated 02.06.2007 and all those writ petitions were allowed and the impugned orders, cancelling the allotment, were set aside.

4. The petitioner thereafter approached the housing board seeking for the re-allotment of the subject plots and since the same was not considered, the present writ petition has been filed before this Court. The petitioner in order to substantiate her case has also relied upon the sale deeds that were executed in favour of the similarly placed persons to whom the allotment was made and the sale deeds were also executed in their favour.



W.P.(MD)No.626 of 2021

WEB COPY

5. When the matter was taken up for hearing, the latest order that was passed in review application in Rev.Aplc(MD) No.146/2021 dated 16.06.2023 was brought to the notice of this Court. In that case, several persons, who are similarly placed like that of the petitioner had made similar request for the allotment of plots and the same was rejected by the housing board. Even in the instant case, the learned counsel appearing for the housing board submitted that the request made by the petitioner was rejected. Against the rejection orders, writ petitions were filed before this Court and the same came to be dismissed and the Division Bench had also confirmed the same in the writ appeal. It is under these circumstances, the review application came to be heard by the Division Bench in Rev.Aplc. (MD) No.146/2021. This Court, after considering the earlier orders passed and also the facts and circumstances of the case, evolved the methodology to be followed in cases of this nature and for proper appreciation, the relevant portion is extracted hereunder:

“7. We find that the same methodology could be followed in the case of the petitioner also. The sale deeds that were executed in favour of the other



W.P.(MD)No.626 of 2021

persons, have also been produced and the amount that they were paid is reflected in the said sale deeds. The petitioner will also be required to pay the said amount as reflected in the sale deeds in favour of the other allottees along with interest at 9% on the amount shown as consideration in the sale deed from 01.05.2016 till date of payment and upon payment of the consideration, the Housing Board will execute the sale deeds within 30 days from the date of payment of the consideration. The petitioner will bear the costs of the sale also.”

6. In the light of the above development, it is not necessary to go into the other issues involved in this case and it will suffice to merely follow the above order passed by the Division Bench in Review application No. 146/2021.

7. In the result, this writ petition is disposed of with a direction to the petitioner to make a fresh representation to the second and third respondents seeking for the allotment of the plot. The 2nd and 3rd respondents shall take note of the order passed in the review application and fix the sale consideration payable as per the methodology evolved. On such



W.P.(MD)No.626 of 2021

fixation of amount, if the petitioner pays the amount, the sale deed shall be executed in favour of the petitioner. This process shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of with the above terms. No costs.

10.10.2023

NCC :Yes/No

Index :Yes/No

RR

To

1. The Principal Secretary to the
Government, Housing and Urban
Development, Fort St.George, Chennai
600 009.

2. Tamil Nadu Housing Board,,
Rep by its Managing Director, Nandanam,
Chennai 600 035.

3. The Executive Engineer Cum,
Administrative Officer,
Ellis Nagar
Unit Office,
Tamil Nadu Housing Board,
Madurai 625 016.

Page 6 of 7



WEB COPY



W.P.(MD)No.626 of 2021

N.ANAND VENKATESH, J.

RR

W.P.(MD)No.626 of 2021

10.10.2023