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W.P.(MD)NO.13761 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 29.08.2022

PRONOUNCED ON : 10.05.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13761 of 2022 and
W.M.P.(MD)No.9771 of 2022

M.Udhaya Singh,
S/o.Mohan,
Reporter,
No.5/1145, Selvavinayagar Koil Street,
Yakappa Nagar, Madurai District.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue and Disaster Management Department,
Land Disposal Wing, LD1(2) Department,
Secretariat, Chennai.
2. The Principal Secretary,
Commissioner of Land Administration,
Cheppak, Chennai.
3. The District Collector,
Madurai District.
4. Press Club of Madurai,
Rep. By its President Jeyaprakash,
S/o.Subramanian,
Arignar Anna Maaligai,
Madurai.
(R-4 is suo motu impleaded
vide order dated 15.07.2022)

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to allot one house site to the petitioner at Survey No.268, Sathamangalam Inner Circle, at Thallakulam, Madurai North Circle, Madurai District, pursuant to G.O.Ms.No.76 dated 28.02.2019 and G.O.Ms.No.329 dated 02.07.2020 and as per the order in W.P.(MD)No.9547 of 2020.

For Petitioner : Mr.K.Mani

For R-1 to R-3 : Mr.K.Balasubramani,
Special Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner seeks allotment of one house site in the petition mentioned survey number. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

3. It is true that the Government issued the petition mentioned Government orders for allotting house sites in favour of journalists. It



became the subject matter of more than one proceeding. The issue had already been decided by the Hon'ble Division Bench.

4. It is well settled that a writ of mandamus can be issued only if the applicant establishes the existence of legal right. There must be a corresponding duty on the part of the authority to fulfil the said right. Merely because the petitioner claims to be a journalist, there is no obligation on the part of the State to allot him a house site. When the petitioner is not having any enforceable legal right as such, this writ petition is not maintainable. It is true that a handful of journalists had been allotted house sites. But on that ground, the petitioner cannot demand allotment of one more house site for him. These are not matters in which the principle of parity can be extended. These issues fall within the realm of policy decision of the State. It is not for the writ Court to interfere. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10.05.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

1. The Secretary to Government,
Revenue and Disaster Management Department,
Land Disposal Wing, LD1(2) Department,
Secretariat, Chennai.
2. The Principal Secretary,
Commissioner of Land Administration,
Cheppak, Chennai.
3. The District Collector,
Madurai District.



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G.R.SWAMINATHAN,J.

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