



W.P(MD)No.18089 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18089 of 2015

and

M.P(MD)No.1 of 2015

M.Pitchai

... Petitioner

Vs

- 1.The Secretary,
Tamil Nadu Housing Board,
Secretariat,
Chennai – 600 009.
- 2.The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai – 600 035.
- 3.The District Revenue Officer (Planning),
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai – 600 035.
- 4.The Executive Officer & Administrative
Office,
Madurai Housing Board (Section),
Tamil Nadu Housing Board,
Madurai.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent in LR.No.Ni.A. 5(5)/59107/12 dated 31.08.2015 and to quash the same as illegal, arbitrary and directing the third respondent to have a further enquiry after giving reasonable opportunity within the time framed by this Court.

For Petitioner : No Appearance

For Respondents : Mrs.K.Christy Theboral
Additional Government Pleader
for R.1 to R.3

Mr.S.Sumesh for R.4

ORDER

None appears for the writ petitioner.

2. The case is posted under the caption “for dismissal”.

3. The petitioner is an Ex-service man. He wanted patta to be issued in his favour in respect of the petition mentioned lands. The petitioner had filed W.P(MD)No.4125 of 2004 for consideration of his request. The writ petition was disposed of on 08.12.2004 with the direction to the revenue authorities to consider the petitioner's request. The Tahsildar, Madurai North informed the petitioner on 05.01.2005 that the lands in respect of which the petitioner had



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sought relief had been handed over to the Tamil Nadu Housing Board.

Thereupon, the petitioner filed O.S.No.553 of 2005 on the file of Principal District Munsif Court, Madurai City seeking relief of permanent injunction. The Housing Board is figuring as the third defendant. Decree was passed on 15.02.2008 in favour of the petitioner. Thereafter, the petitioner filed W.P(MD)No.5174 of 2011 for issuance of patta in respect of the petition mentioned lands. The writ petition was disposed of on 22.01.2014 by directing the authorities to consider the petitioner's request. The Tamil Nadu Housing Board announced holding of enquiry and the petitioner was also given notice. Finally, the impugned order was passed on 31.08.2015. It reads that Survey No.47 in Vilangudi Village had been handed over to railways; Survey Nos. 31/2A & 31/2B have not been acquired. As regards the other survey numbers though they are vested in Tamil Nadu Housing Board (TNHB), the question of issuing patta to the petitioner will not arise at all. TNHB is an organization intended to develop housing scheme only if the applicant fulfils the terms of the scheme, he/she can be issued with allotment order. Unlike the Revenue Department, TNHB cannot issue free house site pattas. The order impugned in this writ petition is a well reasoned one. I went through the contents of the affidavit filed in support of the writ petition. The ground set out therein are not sufficient to interfere with the impugned order.



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4. This writ petition stands dismissed. There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

28.07.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

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