



W.P(MD)No.6811 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6811 of 2015

Villapuram New Town
Residence Welfare Association,
No.2344, TNHB Villapuram,
Madurai – 625 011.
(Represented by its Secretary)
A.Ibrahim Sultan Seit.

... Petitioner

Vs

1.The Secretary,
Tamil Nadu Housing Board,
St.George Fort,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu Housing Board,
413, Anna Salai,
Nandhanam,
Chennai – 600 035.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider petitioner's representation dated 06.02.2015 seeking permit to the petitioners Association to maintain and renovate the Community Hall along with open space situated at Villapuram Housing Scheme, Madurai .



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For Petitioner : Mr.S.Muthukumar

For Respondents : Mr.Sivakumar
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The request of the petitioner association is that the petition mentioned community hall along with open space may be handed over to them and they undertake to renovate and maintain the same. In this regard, the petitioner submitted a representation dated 06.02.2015. Since it was not considered, the present writ petition came to be filed.

3. The learned Standing Counsel appearing for the housing board draws my attention to G.O(Ms)No.419 Housing and Urban Development Department dated 11.10.2000. Clause 2 of the said Government Order pertains to community hall. It provides for handing over the community hall to the local body. After payment of the land cost, the building has to be handed over free of cost. In this case, the local body failed to pay the land cost. On 30.04.1997, the housing board had handed over the community hall to the Avaniyapuram Town Panchayat. But till date, Avaniyapuram town panchayat did not pay the land cost. Therefore, the Board is proposing to bring the property to public auction.



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There is no provision in law to hand over the same at free of cost to any private body. The petitioner association is only a private body.

4. By taking into account G.O(Ms)No.419 dated 11.10.2000 this writ petition is disposed of with the following directions:

- a) The second respondent is directed to send a fresh communication to the local body;
- b) The land cost payable to the local body shall be specified and the local body can given eight weeks time to pay cost.

If the local body does not respond to the communication or it fails to remit the land cost, the housing Board shall take possession of the community hall and deal with the same as indicated in Paragraph 3 of the said aforesaid Government Order. In any event, final action shall be taken by the second respondent within a period of three months thereafter.

5.This writ petition is disposed of accordingly. There shall be no order as to costs.

07.07.2023

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



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G.R.SWAMINATHAN, J.

MGA

To

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