



W.A.No.1049 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

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and C.M.P.No.6674 of 2021

1. The Chairman and Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai-600 035.
 2. The Secretary cum Employees Officer,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai-600 035.
 3. The Executive Engineer-cum-Administrative Officer,
Tamil Nadu Housing Board,
Nandanam Division, 493, Anna Salai,
Nandanam, Chennai-600 035.
- .. Appellants

Vs

1. Kodikatha Kumaran Bharata Ratna
Kamarajar Social Service Trust,
Rep. By its Trustee Mr.R.Ravindradas
Having Office at Old No.18, New No.37,
4th Trust Cross Street, Mandaveli,
Chennai-600 028.



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(Cause Title amended vide order of court dated 28.07.2023 made in CMP No.16341/2023 in WA No.1049/2021)

2. The Secretary to Government of Tamil Nadu,
Housing and Urban Development,
Fort St.George, Chennai-600 009.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters patent against the order dated 23.10.2019 passed in W.P.No.15568 of 2016 on the file of this Court.

For the Appellants : Mr.J.Ravindran
Addl.Advocate General
Assisted by
Mr.D.Veerasekaran
Standing Counsel

For the Respondents : Mr.L.Chandrakumar for R-1
: Mr.T.Chezhiyan
Addl. Govt. Pleader for R-2

JUDGMENT

(Judgment of the Court was made by
S.M.SUBRAMANIAM, J.)

Allotment of house sites by the Tamil Nadu Housing Board is to be made by scrupulously following the rules and regulations. The Housing Board cannot at its whims and fancies select the allottees. Such allotments are to be made through public auctions or by issuing



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notifications by following the procedures as contemplated.
Allotments are to be made in a transparent manner.

2. The case of the appellants is that the first respondent made an attempt to secure allotment in the prime location in Chennai city since he is the General Secretary of Kamaraja Deeseeya Congress. Housing Board is not expected to favour any such individuals by allotting the public properties. Tamil Nadu Housing Board is 'State' and therefore, all allotments of house sites or flats are to be made by following the procedures and through a public auction or by issuing notifications. Equal opportunity should be provided to all persons who are all aspiring to secure allotment of flats or house sites from the Tamil Nadu Housing Board. The manner in which the transaction took place between the appellants and the first respondent itself is not in consonance with the established principles. However, in the present case, no order of allotment has been confirmed nor any sale deed has been executed. The transaction failed on account of the differential approach in fixing the price for execution of sale. The Court cannot appreciate such transactions between the Housing Board and private individuals in the matter of allotment of house sites.



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3. The learned Single Judge has gone into the merits of the case and found that the Housing Board has to reconsider the rate fixed by them as Rs.9,000/- per sq.ft.

4. The High Court, in exercise of powers of judicial review under Article 226 of the Constitution of India, cannot decide such disputed issues relating to fixation of price or market value. This is a contract between the parties and the obligations and terms are to be determined between the parties and in the present case, the Tamil Nadu Housing Board being a party has to decide the issues in accordance with law and by following the procedures.

5. On account of efflux of time and sky-rocketing of market value in Chennai city, the learned Additional Advocate General would submit that it may not be possible now to allot a land to the first respondent. We are not inclined to go into those aspects. Needless to state that such valuable lands are to be protected by the Housing Board and to be utilised for public purposes and the Housing Board should allot such flats by following due process. Thus, we are inclined to interfere.



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6. Accordingly, the writ order dated 23.10.2019 passed in W.P.No.15568 of 2016 is set aside. The writ appeal stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) (C.K., J.)
02.07.2024

Index : Yes
NC : Yes

sra
To

The Secretary to Government of Tamil Nadu,
Housing and Urban Development,
Fort St.George, Chennai-600 009.



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S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN,J.

(sra)

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