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W.P.No.6060 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6060 of 2020

Perter Prakasam

... Petitioner

Vs.

1.The Secretary,
Tamilnadu Housing Board,
No.493, Anna Salai,
Nandhanam,
Chennai – 600 035.

2.The Executive Engineer (Administration),
Tamilnadu Housing Board,
Coimbatore, Housing Division,
Tatabad, Coimbatore – 641 042.

3.K.Chandraprakash
(R-3 impleaded *vide* order dated 30.01.2024
in W.M.P.No.1750 of 2024 in W.P.No.6060 of 2020
by S.M.S.J.)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 20.06.2019 more particularly to the 2nd



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respondent, the Executive Engineer (Administration), Tamilnadu Housing Board, Coimbatore, Housing Division, Tatabad, Coimbatore – 641 012, herein seeking allotment of land in the allotment no.CHU.37 on its file.

For Petitioner : Mr.C.D.Johnson
For R1 & R2 : Mr.D.Veerasekaran
Standing Counsel for TNHB
For R3 : Mr.M.Raja

ORDER

The writ of mandamus has been instituted to consider the representation submitted by the writ petitioner dated 20.06.2019, seeking allotment of land in allotment no.CHU-37 in favour of the petitioner.

2. The petitioner is the Secretary of Indian Pentecostal Assembly Church at Coimbatore. He submitted an application to participate in the tender process. The petitioner complied with the requirements and participated in the tender process. However, the petitioner admittedly, was not a successful bidder and the impleaded 3rd respondent was the successful bidder. The petitioner was allotted 4 grounds in favour of the petitioner for religious purpose. Subsequently, the remaining portion of the land allotted for religious purpose are sought to be auctioned in the year 2004. An



advertisement was published by the Tamil Nadu Housing Board on 04.07.2004. The area notified for auction was 13 grounds approximately.

However, the application submitted by the writ petitioner was rejected. Therefore, the petitioner submitted various representation to allot the remaining 13 grounds of land for the purpose of expansion of their Church. However, the said request was not considered.

3. Subsequently, another paper advertisement was published by the Tamil Nadu Housing Board inviting tenders on 23.02.2020. The learned Counsel for the petitioner would submit that the specific purpose has not been mentioned in the advertisement. Therefore, the writ petitioner filed the present writ petition to consider the representation dated 20.06.2019.

4. The learned Counsel for the Tamil Nadu Housing Board, Mr.D.Veerasekaran would submit that the auction process was completed in the year 2020 itself and the 3rd respondent was the successful bidder and paid the amount as per the tender notification and the auction sale was confirmed by the Tamil Nadu Housing Board by passing necessary resolution. The Tamil Nadu Housing Board has admitted the fact that the portion of the land has been allotted for religious purpose as per the approved



layout. The petitioner raised an apprehension that the 3rd respondent is politically influential person and he may use the land for commercial purpose.

In order to ensure that the layout approval is followed scrupulously, the successful bidder/3rd respondent was impleaded as a party in the present writ petition.

5. The learned Counsel appearing on behalf of the 3rd respondent made a submission that the 3rd respondent admittedly, was a successful bidder and the sale was already confirmed by the Tamil Nadu Housing Board. The 3rd respondent is ready to execute an undertaking in a stamp paper in favour of the Tamil Nadu Housing Board stating that the said portion of the land will be utilised for the religious purpose as per the approved layout. The 3rd respondent will not use the said land for any other purpose other than the purposes for which it was earmarked in the approved layout by the Competent Authority under the Tamil Nadu Town and Country Planning Act, 1971.

6. In view of the said submission made on behalf of the parties to the *lis*, it would be suffice, if the 3rd respondent is directed to execute an



undertaking in a stamp paper to the Tamil Nadu Housing Board stating that he will not utilise the subject land for any other purpose other than the purpose for which it was approved under the layout approval. Admittedly, it was allotted for religious purpose. Thus, it has to be utilised only for the said purpose by the successful bidder/3rd respondent.

7. Admittedly, the petitioner was not the successful bidder. More so, the auction was completed in the year 2020 and the sale was confirmed by the Tamil Nadu Housing Board and necessary orders were also passed. Therefore, the endeavour of the Court is to ensure that the land earmarked for the purpose is to be followed scrupulously.

8. In view of the said *factum*, no further adjudication is required. The 3rd respondent is directed to execute an undertaking in favour of the Tamil Nadu Housing Board within a period of four (4) weeks from the date of receipt of a copy of this order. On receipt of such undertaking, the Tamil Nadu Housing Board may take all further necessary action for execution of Sale Deed and complete the formalities within a period of four (4) weeks, thereafter.



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9. The earlier letter if any, given by the 3rd respondent seeking permission to utilise the land for commercial purpose cannot be acted upon, since the 3rd respondent has agreed to execute an undertaking in favour of the Tamil Nadu Housing Board to utilise the land for religious purpose.

Accordingly, the Writ Petition stands disposed of. No costs.

30.01.2024

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Index : Yes / No

Speaking order / Non-Speaking Order

Neutral Citation : Yes / No

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