



WEB COPY

WP No.11711 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-01-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

**WP No.11711 of 2019
And
WMP No.11931 of 2019**

AC.Sridharan

.. Petitioner

-VS-

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai-9.

2.The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai-35.

3.The Executive Officer/Administrative Officer,
Tamil Nadu Housing Board,
EVN Road,
Erode-9.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India



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praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent vide his office proceedings No.Letter No.Allot.3(5)/10592/2014 dated 27.03.2019 rejecting the request of the petitioner to allot the land bearing site No.R.45B at Sampath Nagar Phase-I and quash the same and consequently direct the respondents to allot the said plot to the petitioner under ex-owner category as the legal heir of K.Subramaniam in the light of the order of the Hon'ble Division Bench of this Court dated 12.06.2007 in WA Nos.1317 of 2000 to 1320 of 2000 as confirmed by Hon'ble Supreme Court dated 21.02.2012 in SLP No.23490 of 2007.

For Petitioner : Mr.M.Karthik
For Respondent-1 : Mr.G.Krishna Raja,
Additional Government Pleader.
For Respondents-2 and 3: Mr.D.Veerasekaran,
Standing Counsel for TNHB.

ORDER

The order dated 27.03.2019 issued by the Tamil Nadu Housing Board rejecting the claim of the petitioner to allot a house site under the Ex-Owner Category at Sampath Nagar, Phase-I, Erode, is under challenge in the



present writ petition.

2. It is not in dispute that the land belonged to the petitioner's family was acquired for developing Neighbourhood Scheme by Tamil Nadu Housing Board in the year 1980. The petitioner is the grandson of the erstwhile original land owner from whom the land was acquired by the Government.

3. The contentions of the learned counsel for the petitioner Mr.M.Karthik would be that similarly placed erstwhile owners secured allotment under the Ex-Owner Category and therefore, the same benefit is to be extended to the petitioner also.

4. The learned counsel for the petitioner would further contend that this Court considered such claims on earlier occasions and based on the Court order, allotment of plot was made by the Tamil Nadu Housing Board and the said benefit is to be extended to the petitioner.

5. The learned Standing Counsel for the respondent-Housing



Board would submit that such benefit of allotment of Ex-Owner Category was granted to the son of the erstwhile land owner from whom the land was acquired. In the present case, the petitioner being the grandson of the erstwhile original owner's grandson from whom the land was acquired by the Government.

6. The counter filed by the Board would reveal that he allotment of plot was made to Mr.S.Planaichamy, who is the son of the erstwhile original land owner.

7. The petitioner earlier filed WP No.31159 of 2015 and the said writ petition was dismissed. The earlier writ petition was also filed challenging the rejection order passed in the year 2015.

8. The petitioner further filed Writ Appeal No.787 of 2016 and the Hon'ble Division Bench of this Court passed an order on 14.12.2017 stating that one of the legal heirs has already got allotment under the category and therefore, another legal heir is not entitled to seek allotment of plot under the Ex-Owner Category. Accordingly, the Writ Appeal was also



dismissed. After dismissal of the said Writ Appeal in the year 2017, again the petitioner submitted fresh representation on 04.01.2019, which came to be rejected by the Board through impugned proceedings dated 27.03.2019. Thus the petitioner made an attempt to reopen the case, which was already decided by the Hon'ble Division Bench of this Court and such practice at no circumstances be encouraged.

9. The claim of the writ petitioner was elaborately adjudicated in the writ proceedings and the Writ Appeal filed by the petitioner was rejected by the Hon'ble Division Bench of this Court. The acquisition was made in the year 1980 and now 39 years have elapsed and the petitioner has completed his legal battle long before and again opening the case at this length of time is impermissible and consequently, the present writ petition stands dismissed. However, there shall be no order as to costs. The connected miscellaneous petition is also dismissed.

11-01-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



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To

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