



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.06.2024

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.16685 of 2024
& WMP.No.18323 of 2024

J.Premkumar

... Petitioner

Vs

1.State of Tamil Nadu rep. by
The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai – 600 009.

2.The Chairman
Tamil Nadu Housing Board,
Nandanam,
Chennai – 600 035.

3.The Executive Engineer,
Tamil Nadu Housing Board,
K.K.Nagar Division,
No.C-48, 2nd Avenue, 3rd Floor,
Anna Nagar, Chennai – 600 040.

4.T.M.Arun Kumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to consider petitioner representation dated 28.05.2024 and to produce the proceedings of



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cost approval of the year 1988 pertaining to the 108 HIG flats, Bharathidasan Colony, K.K.Nagar, Chennai – 600 078 immediately.

For Petitioner : Ms.Chitra Sampath,
Senior Counsel
for Ms.S.Vasuki

For Respondents : Mr.M.R.Gokul Krishnan (R1)
Additional Government Pleader
Mr.D.Veerasekaran (R2 and R3)

ORDER

Mr.M.R.Gokul Krishnan, learned Additional Government Pleader accepts notice for R1 and Mr.D.Veerasekaran, learned counsel accepts notice for R2 and R3. They are armed with instructions to enable a final disposal of this Writ Petition, even at the stage of admission. No notice is thought necessary to R4, at this juncture, as his interests have been duly taken note of and addressed by virtue of this order.

2. The petitioner seeks a mandamus directing the 3rd respondent, i.e., the Executive Engineer, Tamil Nadu Housing board to dispose his representation dated 28.05.2024. He also seeks production of proceedings of cost approval of the year 1988 pertaining to 108 HIG flats, Bharathidasan Colony, K.K.Nagar, Chennai – 600 078 ('property'/'property in question').



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3. Peripherally, as, in conclusion, the respondents have been asked to dispose the representation, I advert to the facts. The petitioner claims to be the owner of a residential flat bearing No.B1/7, ad measuring 584 sq.ft. on the second floor of Bhuvaneswari Apartments in the property in question. He is aggrieved by the reference to the undivided share (UDS) in his sale deed as, according to him, the extent set out therein is incorrect. In this connection, he relies on contemporaneous documents issued in respect of his neighbouring apartment where the UDS is of a higher extent.

4. Mr.Veerasekaran would accede to the pendency of the representation. He would, however, point out based on his instructions, that the petitioner is not an allottee and claims to be a purchaser at a far subsequent period.

5. Be that as it may, since his instructions are to the effect that representation is pending and the petitioner expresses some urgency in that those flats are in the process of re-development, mandamus is issued to R3 to issue notice to the petitioner as well as to R4 and any others, who are deemed necessary, hear them, consider the documents filed by them and dispose the representation within a period of eight (8) weeks from today, in accordance with law and all applicable rules and regulations.



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Dr.ANITA SUMANTH,J.

WEB COPY 6. This Writ Petition is disposed as above. No costs. Connected

Miscellaneous Petition is closed.

25.06.2024

Sl

Index : Yes / No

Speaking Order

Neutral Citation : Yes

***Note: Registry is directed to issue a copy of this order
on or before 26.06.2024.***

To

1.State of Tamil Nadu rep. by
The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai – 600 009.

2.The Chairman
Tamil Nadu Housing Board,
Nandanam,
Chennai – 600 035.

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