



WEB COPY



W.P.No.11780 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.11780 of 2014
and M.P.No.1 of 2014

N.P.Damodaran

... Petitioner

Vs.

1. The State Rep. by its
Commissioner and Secretary,
Housing and Urban Development,
Fort St. George,
Chennai – 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.
3. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the third respondent in letter No.ALA/616/2014 dated 04.04.2014 and quash the same and direct the respondents 2 & 3 to consider the petitioner's application No.26395



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dated 20.12.2013 and allot a Plot No.1, Block No.3A, HIG NH-II extension, Maraimalai Nagar under ex-land owner category as assured by the third respondent through their letter dated 11.06.2013.

For Petitioner : Mr.M.K.Bhoopathy Rajan

For Respondents

For R1 : Mr.N.Naveen Kumar
Government Advocate

For R2 & R3 : Mrs.P.Veenasuresh
Standing Counsel

ORDER

This writ petition has been filed challenging the order dated 04.04.2014 passed by the third respondent thereby rejecting the request made by the petitioner to consider the case of the petitioner under ex-land owner quota for allotment of residential plot.

2. The petitioner owned property ad measuring 11 cents comprised in survey No.336/4G1A situated at Maraimalai Nagar, Kattankulatur Village. It was acquired by the Special Thashildar, Chengalpattu, for the purpose of the second respondent under Marimalai Nagar Scheme, in the year 1978. He was given assurance that he will be in preference quota while allotment of house plot. Further, the petitioner



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applied for house plot under the Maraimalai Nagar Scheme. However, the petitioner's application was not considered and he was not allotted any of the house plot. Therefore, the petitioner submitted representation to the third respondent to consider his application under the ex-land owner quota. Further the petitioner's father is a freedom fighter as well as ex-service man. Therefore, he also sought for allotment on that quota. However, the third respondent rejected his application for allotment of house plot. Hence, the petitioner filed the present writ petition.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. On perusal of the counter affidavit filed by the second respondent and on the submission made by the learned Standing Counsel appearing for the respondents revealed that the petitioner has applied in the drawl of lot for allotment of plot in which the petitioner was unsuccessful. Thereafter, the petitioner submitted application seeking allotment on preferential quota. While it was pending, the petitioner approached this Court in W.P.No.2977 of 2014 and as directed by this



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Court, the application submitted by the petitioner was considered and rejected on the ground that there is no preferential quota for the freedom fighter, ex-service man and ex-land owner quota.

5. Further the petitioner sought for allotment in respect of particular plot and the same was already allotted by drawl in favour of one K.Shankar. Thereafter, the second respondent also executed sale deed in his favour. Further the allotment of plot will be done based on draw of lot and the petitioner was unsuccessful on the drawl of house plot. Therefore, the request made by the petitioner was rightly rejected by the respondent. This Court finds no infirmity or illegality in the rejection order passed by the third respondent.

6. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

12.08.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
rts



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G.K.ILANTHIRAIYAN. J.

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