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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2024

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.18092 of 2020
and WMP.Nos.22478 & 22480 of 2020

K.Saraswathi

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Housing Board,
No.33, Anna salai, Nandanam,
Chennai-35.

2. The Chief Engineer,
Tamil Nadu Housing Board,
No.33, Anna salai, Nandanam,
Chennai-35.

3. The Manager,
Marketing and Services,
Hosur Housing Unit,
Tamil Nadu Housing Board,
Bagalur, Hosur, Krishnagiri District.

4. The Executive Engineer,
cum Administrative Officer,



Tamil Nadu Housing Board,
Hosur, Krishnagiri District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus calling for the records of the respondent No.4 relating to impugned notice dated 19.10.2020 calling for applications for allotment of HIG-I plots in Hosur, Phase VII and quash the same and further direct the 4th respondent to allot one plot in HIG-I type housing unit in phase VII Scheme in Hosur Village, Krishnagiri district to the petitioner in Application No.791.

For Petitioner : Mr.T.K.Bhaskar

For Respondents : Mr.D.Veerasekaran, TNHB

ORDER

The writ petition has been filed seeking to quash the impugned notice dated 19.10.2020 calling for applications for allotment of HIG-I plots in Hosur, Phase VII by the 4th respondent and further direct the 4th respondent to allot one plot in HIG-I type housing unit in phase VII Scheme in Hosur Village, Krishnagiri district to the petitioner in Application No.791.

2. It is the case of the petitioner that she has applied for allotment of HIG-I housing unit and a sum of Rs.3,73,750/- was paid to the Tamil Nadu Housing Board on 03.07.2018. However, no allotment order was passed in



favour of the petitioner and the application is still pending. However, the respondents have issued notification on 19.10.2020 for sale of house/plots. Challenging the said notification, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that though the petitioner has made application along with necessary charges, she was not allotted any plots and her application has not processed and she is in waiting list. Without considering her application, the 4th respondent had issued notification for the allotment of the plots in regard to which legal proceedings are pending before this Court is illegal and unsustainable. Hence, this Court may set aside the impugned notification and allow this petition.

4. The learned Standing Counsel appearing for the respondents submitted that admittedly the petitioner was applied only for HIG-I type house under self finance scheme, Phase-VII, Hosur and paid a sum of Rs.3,73,750/- towards initial deposit. In this particular scheme, she was selected as waiting list No.2 in the general public category. The selected allottees have paid the entire cost of the house and obtained sale deed for the allotted house. The petitioner was not allotted house and refund voucher was



kept ready for the initial deposit paid by the petitioner. Due to pending of this writ petition, the amount is not refunded to the petitioner. Hence, the present petition is liable to be dismissed.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel and perused the materials available on record.

6. The facts of the case are not in dispute. Admittedly, the petitioner made an application along with Rs.3,73,750/- for allotment of the HIG-I plot and she was not allotted house for HIG-I type house, Phase – VII and there is no vacant in the said site. In the light of the above facts and circumstances of the case, this court is of the considered view that there is no reason to interfere with the impugned order and the writ petition is also liable to be dismissed. If the petitioner is really interested to buy a plot or house from the Housing Board, she would have been applied for the notification.

7. In the result, the Writ Petition is dismissed. No costs. The respondents are directed to return the amount which was paid by the petitioner within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.



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M.DHANDAPANI,J.

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