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W.A.No.2663 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Writ Appeal No.2663 of 2023
and
C.M.P.Nos.22392 & 22393 of 2023

P.Kailasam

... Appellant

Vs.

1.The Commissioner of Labour,
DMS Complex, Teynampet,
Chennai – 600 006.

2.The Managing Director,
Tamilnadu Housing Board,
Nandanam,
Chennai – 600 005.

3.Rajagopal
4.Sukumar
5.Santhi
6.Karthikeyan
7.Kavitha

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 31.07.2023 made in W.P.No.29836 of 2005.



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For Appellant : Mr.K.Raja
For R1 : Mrs.M.Jayanthy
Additional Government Pleader
For R2 : Mr.D.Veerasekaran
Standing Counsel for TNHB
For R3 & R4 : Mr.T.Dharani
For R5 to R7 : Mr.V.Nicholas

J U D G M E N T

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The subject house under the Industrial Housing Scheme, EWS – Labour Quota was initially allotted to the father of Thiru.S.Palani.

2. The original allottee Thiru.S.Palani died on 11.04.1992 and his wife died on 17.03.2003. Deceased Thiru.P.Selvaraj and deceased Thiru.P.Kumar are the legal heirs of the original allottee Thiru.S.Palani.

3. It is not in dispute that the allotment was transferred in the name of deceased Mr.P.Selvaraj, the eldest son of Mr.S.Palani by an order No.C/892/77 dated 16.12.1977. Deceased Mr.P.Selvaraj was the eldest son of the family. There was no objection from the family members during the



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relevant point of time.

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4. Mr.K.Raja, learned Counsel for the appellant would submit that there was an objection only after the knowledge about the allotment.

5. The fact remains that the writ petition has been filed in the year 2005, after a lapse of 28 years from the date of allotment of the house in favour of deceased Thiru.P.Selvaraj. During the relevant point of time, there was no prohibition for such allotment in favour of the eldest son of the original allottee.

6. At the time of allotment of the house in favour of deceased Thiru.P.Selvaraj in the year 1997, the appellant has not initiated any action. After 28 years, the writ petition was filed and learned Single Judge dismissed the writ petition.

7. Such belated claim as rightly rejected by the writ Court need not



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be entertained after a lapse of many years. Thus, we are in agreement with the findings in the impugned order.

8. Accordingly, the Writ Appeal stands **dismissed**. No costs.

Consequently, connected miscellaneous petitions are closed.

[S.M.S.J.] [K.R.S.J.]
27.03.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda

To

1.The Commissioner of Labour,
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Tamilnadu Housing Board,
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S.M.SUBRAMANIAM,J.
AND



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K.RAJASEKAR,J.

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Judgment in
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