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W.P.No.26916 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.26916 of 2024

T.K.Thirumal,
The Honorary President of “Kudiyiruppor Podu Nala Sangam”,
No.65, “A” Block, Aalaiyamman Koil Street,
Teynampet, Chennai – 600 018.

...Petitioner

Vs.

1. The Managing Director,
Tamilnadu Urban Habitat Development Board,
No.5, Kamarajar Salai, Chennai-600 005.
2. Superintending Engineer,
Chennai East-2 Circle,
Tamilnadu Urban Habitat Development Board,
Chennai-600 004.
3. The Executive Engineer,
Division-5,
Tamilnadu Urban Habitat Development Board,
No.130, R.K.Mutt Road,
Mylapore, Chennai-600 004.
4. G.Thanikachalam
5. N.Manikandan
6. G.Jeyalaskhmi

...Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 herein to cancel the posts of the respondents 4 to 6 as they were not residing in the Housing Board situated at Aalaiyamman Koil Street, A & B Block, Teynampet, Chennai-600 018 and order for re-election and also direct the respondents 1 to 3 to take maintenance in charge for Aalaiyamman Koil Street, A & B Block, Teynampet, Chennai-600 018 till re-election and for other reliefs.

For Petitioner : Mr.S.Elumalai

For Respondents : Mr.G.Venkatesan, SC, for R1 to R3

ORDER

This Writ petition has been filed seeking direction to the respondents 1 to 3 to cancel the posts of the respondents 4 to 6 as they were not residing in the Housing Board situated at Aalaiyamman Koil Street, A & B Block, Teynampet, Chennai-600 018 and order for re-election and to consequently take maintenance in charge for Aalaiyamman Koil Street, A & B Block, Teynampet, Chennai-600 018 till re-election and for other reliefs.

2. Mr.G.Venkatesan, learned Standing Counsel takes notice on behalf of the respondents 1 to 3. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final disposal in the admission stage itself.



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3. Since no adverse order is being passed against the respondents 4 to 6, notice to the respondents 4 to 6 is dispensed with.

4. The case of the petitioner is that, the petitioner is one of the Honorary President of Kudiyiruppor Podu Nala Sangam, which was formed in the year 1978 and registered in the year 2022. Further, in Alaiyamman Koil Project Phase-I, there are about 324 houses in A & B Block together and as per G.O.No.55, Resident's Welfare Association should be established for “Nam Kudiyiruppu Nam Poruppu” and for that, the President, Vice president, Secretary, Deputy Secretary, Treasurer and Executive Committee Members should be selected by conducting Election and if the allottees who are not residing in the said residence wins the election, they should come and reside in their allotted house within three months from the election result, failing which, their posts will be cancelled and re-election will be announced by the board. While so, the respondents 4 to 6, who are the Secretary, Treasurer and Deputy Secretary of the Alaiyamman Koil Theru A & B Block Kudiyiruppor Nalasangam respectively are not residing in their allotted house, which is contrary to the above said G.O. Thereby, the

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petitioner made several representations seeking to take appropriate action against the respondents 4 to 6 and to cancel their posts and to consequently take maintenance in charge for Aalaiyamman Koil Street, A & B Block, Teynampet, Chennai-600 018 till re-election and for other reliefs, which evoked no response. Hence, this Writ petition.

5. Heard learned counsel on either side and perused the materials available on records.

6. Though very many grounds have been raised by the learned counsel for the petitioner at the time of arguments, as the relief sought for by the petitioner in the present Writ petition cannot be decided by this Court under Article 226 of the Constitution of India, this Court, while dismissing this Writ petition without going into the merits of the case, grants liberty to the petitioner to approach the competent civil court and workout his remedy in the manner known to law.



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18.09.2024

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NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

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M.DHANDAPANI, J.

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