



W.P.No.6398 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM

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

W.P.No.6398 of 2020

P.Jagadeesan

... Petitioner

-Vs-

1.Government of Tamil Nadu
Rep.by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-600 009.

2.The Tamil Nadu Housing Board,
Represented by its Managing Director,
331, Anna Salai, Nandanam,
Chennai-600 035.

3.The Executive Engineer and Administrative Officer,
K.K.Nagar Division,
Tamil Nadu Housing Board,
Chennai-600 035.

4.N.Umasankar

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the second and third respondents to dispose of representation dated 22.06.2019 by cancelling the allotment of plot situated at No.44/4, measuring an extent of 895 sq.ft



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TNHB at K.K.Nagar made in favour of the fourth respondent and to re-allot the said plot to the petitioner.

For Petitioner : Mr.Vinod Paul Tyagaraj David

For R1 to R3 : Mr.D.Veerasekaran
Standing Counsel

ORDER

This Writ Petition has been filed for a direction directing the second and third respondents to dispose of the representation submitted by the petitioner dated 22.06.2019 seeking to allot plot No.44/4 of an extent of 895 sq.ft in Tamil Nadu Housing Board at K.K.Nagar, in his favour.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1 to 3 and perused the materials available on record.

3. The petitioner was originally allotted the plot in the Tamil Nadu Housing Board at Ashok Nagar Division dated 24.02.1989 in respect of plot bearing No.44/4 situated at K.K.Nagar, Chennai.



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However, the third respondent, by the proceedings dated 28.11.1989, informed that the allotment made under G.O.Ms.No.1734, Housing and Urban Development Department, Tamil Nadu Housing Board, Ashok Nagar Division dated 24.02.1989 has been cancelled. Further, it was informed that the third respondent intends to set up a dispensary in the plot earmarked in favour of the petitioner. Therefore, several allottees, except the petitioner herein, challenged the said order before this Court. However, the cancellation order was upheld by this Court. Subsequently, the plot, which was allotted in favour of the petitioner was re-allotted in favour of the fourth respondent by G.O.Ms.No.629, dated 31.03.2001. After receipt of the entire payment made by the fourth respondent, a sale deed was executed in favour of the fourth respondent on 07.02.2004. Therefore, the question of re-allotment in favour of the petitioner does not arise.

4. In view of the above, the representation submitted by the petitioner cannot be considered and the writ petition itself is devoid of merits and is liable to be dismissed. However, the petitioner is at liberty to make fresh application before the second and third respondents for



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allotment of any constructed plot located in the same division, if it is available. On receipt of the same, the second and third respondents are directed to consider the request made by the petitioner on merits and in accordance with law.

5. In the result, this Writ Petition stands dismissed. No costs.

29.04.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To

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Housing and Urban Development Department,
Secretariat, Chennai-600 009.

2.The Managing Director,
Tamil Nadu Housing Board,
331, Anna Salai, Nandanam,
Chennai-600 035.

3.The Executive Engineer and Administrative Officer,
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Tamil Nadu Housing



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G.K.ILANTHIRAIYAN, J.

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