



WEB COPY

WP No.35178 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-04-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.35178 of 2023

Mr.D.Manikandan

.. Petitioner

-VS-

1.The Chairman,
Tamil Nadu Urban Habitat Development Board,
Chennai-600 005.

2.The Estate Officer 3,
Tamil Nadu Urban Habitat Development Board,
T.P.Chatthiram,
Chennai-600 005.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 02.11.2023 and allot the Plot No.403, New No.85, M.K.B.Nagar, Ambattur, Chennai-600 053 as per the receipt dated 13.11.1993 issued by the second respondent.



WEB COPY

WP No.35178 of 2



For Petitioner : Mr.V.Chandrakanthan
For Respondents : Mr.B.Balaji,
Standing Counsel for TNUHDB.

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the petitioner's representation dated 02.11.2023 and allot the Plot No.403, New No.85, M.K.B.Nagar, Ambattur, Chennai-600 053 as per the receipt dated 13.11.1993 issued by the second respondent.

2. With reference to the relief sought for in the present writ petition, the petitioner has not produced the allotment order before this Court, but he produced the receipt regarding payment. Such payment receipt would be insufficient to form an opinion that the allotment was granted in favour of the father of the writ petitioner.

3. Per contra, the respondents have filed counter-affidavit stating that the Board has conducted a field inspection with regard to the Plot No.403, M.K.B.Nagar, Ambattur Scheme. It came to light that the petitioner is not living in the said plot and Plot No.403 has been sold out to



Thiru Dheenadhayalan and Tmt.Kavitha, W/o.Padmanaban and both of them are residing in the said Plot and a complaint is registered by subsequent purchaser at Ambattur T-1 Police Station as on 03.05.2023.

4. The petitioner is not entitled to the relief sought by him in the present writ petition, since he is not in possession of Plot No.403, M.K.B.Nagar, Ambattur, Chennai-600 053. Further, the Board has not allotted the said Plot No.403 to the petitioner's father Thiru Deva nor to the petitioner.

5. As per the Board rules and norms, when the original allottee/legal heirs, is not in possession of the property or not in a position to prove his eligibility to show that the allottee was residing in the said plot for quite some period of time, the Board could not allot the plot nor execute the Sale Deed in allottee's favour and whenever the original allottee acts against the Board rules and norms or sale the plot to any third parties, the Board allotment will get cancelled automatically without any prior notice.

6. In view of the fact that petitioner's father was not an allottee



of Plot No.403, M.K.B.Nagar, Ambattur Scheme, now the petitioner cannot seek allotment of the same plot. If at all, the petitioner is eligible, he can make fresh application, if he is otherwise eligible.

7. With the above observations, the present writ petition stands dismissed. However, there shall be no order as to costs.

02-04-2024

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

To



1. The Chairman,
Tamil Nadu Urban Habitat Development Board,
Chennai-600 005.

2. The Estate Officer 3,
Tamil Nadu Urban Habitat Development Board,
T.P.Chatthiram,
Chennai-600 005.

S.M.SUBRAMANIAM, J.



WEB COPY

WP No.35178 of 2



Svn

WP 35178 of 2023

02-04-2024