



WEB COPY

WA No. 264 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WA No. 264 of 2024

AND

CMP NO. 1669 OF 2024

1.The Managing Director
Tamil Nadu Housing Board,
Nandanam, Chennai – 600 035.

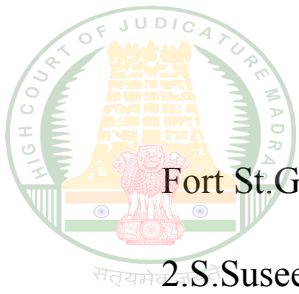
2.The Executive Engineer
Cum Administrative Officer,
Tamil Nadu Housing Board,
Thirumangalam, Mugapair Division,
Chennai – 600 101.

3.The Executive Engineer
cum Administrative Officer,
Tami Nadu Housing Board,
Dr.J.J.Nagar Division,
Chennai – 600 050.

Appellant(s)

Vs

1.The State Of Tamil Nadu
Rep.by its Secretary, Housing and
Urban Development Department,



Fort St.George, Chennai – 600 009.

2.S.Suseela

WEB COPY

Respondent(s)

WA No. 264 of 2024

PRAYER

To set aside the order made in WP.No.13947/2015 dated 15.07.2022 and allow the above WA

For Appellant(s): Mr.D.Veerasekharan

For Respondent(s): Mrs. E. Ranganayaki AGP For
R1
Mr. R.Syed Mustafa For R2

JUDGMENT

(Judgment was delivered by S.M.Subramaniam J.)

Dissatisfied with the writ order dated 15.07.2022 passed in W.P.No.13947 of 2015, the Tamil Nadu Housing Board has preferred the present Intra-Court Appeal. The 2nd respondent, Smt.S.Suseela instituted writ proceedings challenging the order dated 21.04.2015 passed by the Government declining her request to grant allotment of a Housing Board HIG flat under the preferential quota.

2. Based on the application submitted by the 2nd respondent, claiming to



WEB COPY

be a social worker, the Government allotted an HIG Flat under preferential quota on 25.02.2005. Accordingly, the 2nd respondent was allotted Flat No.41/4 HIG at Ambattur, as per G.O.(2D) No.41, Housing and Urban Development Department dated 25.02.2005.

3. However, the 2nd respondent has not paid the initial deposit as per the conditions stipulated in the allotment order. Consequently, the allotment order was cancelled due to non-payment of initial deposit within the stipulated period of 21 days. The 2nd respondent did not initiate any steps to pay the initial deposit during the relevant point of time and subsequently filed W.P.No.7180 of 2008 seeking a direction to the appellants to allot a flat, fix the sale price and the complete the process.

4. Pertinently, on 10.11.2000, the 2nd respondent addressed a letter to the Managing Director, Tamil Nadu Housing Board stating that she was not in a position to pay the initial deposit and expressed her inability. However, the writ petition in W.P.No.7180 of 2008 was disposed of by this Court on 07.02.2011



WEB COPY

granting liberty to the 2nd respondent to approach the Government for re-allotment of the same flat. However, the Government has not considered the request of the 2nd respondent in the year 2011.

5. The appeal filed by the 2nd respondent before the Government was also rejected. The said rejection order came to be challenged in W.P.No.13947 of 2015 and the Writ Court directed the re-allotment of the said flat to the 2nd respondent. Thus, the present writ appeal came to be instituted.

6. The facts, as per the documents produced before this Court reveal that the Government cancelled the allotment vide G.O.(3D).No.8, Housing and Urban Development (HB 4(2)) Department dated 25.02.2008. The said Government order remains unchallenged. Subsequently, the appeal filed by the 2nd respondent was also rejected by the Government mainly on the ground that the Government had abolished the discretionary quota under which the original allotment was made in favour of the 2nd respondent in the year 2005.

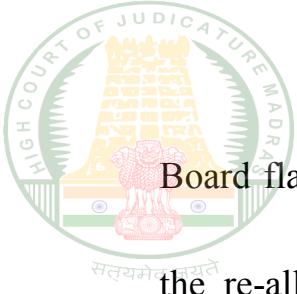


WEB COPY

7. The 2nd respondent admits that she has not paid the initial deposit during the relevant point of time when the allotment order was made. The 1st writ petition was filed after a lapse of about three years from the date of allotment. The initial deposit ought to have been made within a period of 21 days from the date of allotment i.e., 21.02.2005. Subsequently, the Government also passed G.O.(3D).No.8, Housing and Urban Development (HB 4(2)) Department dated 25.02.2008 recording the fact that the condition was not complied with and allotment order was cancelled.

8. The representation submitted by the 2nd respondent to the Government was rejected mainly on the ground that the discretionary quota itself had been abolished by the Government on 07.01.2011. Therefore, based on the allotment order dated 25.02.2005, the 2nd respondent cannot claim re-allotment after several years. The Writ Court has not considered these factors and therefore, this Court is inclined to interfere with the order impugned.

9. The petitioner, who claims to be a social worker, was allotted Housing



WEB COPY

Board flat in discretionary quota in the year 2005 and after this length of time the re-allotment cannot be made. If at the 2nd respondent wishes to secure allotment, she has to apply under the General Category as per the Rules in force for allotment.

10. With this liberty, the impugned writ order dated 15.07.2022 passed in W.P.No.13947 of 2015 is set aside and the Writ Appeal stands allowed. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

26-03-2025

Jeni

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WA No. 264 of 2024



WA No. 264 of 2024

WEB COPY

To

1.The State Of Tamilnadu

Rep. by its Secretary, Housing and
Urban Development Department, Fort
St.George, Chennai 600 009.

2.S.Suseela

W/o.Sivasubramaniam, No.4, Sha
Apartments Extension, Kulakarai 1st
Street, West Tambaram, Chennai 45.



WEB COPY

WA No. 264 of 2024



**S.M.SUBRAMANIAM
J.
AND
K.RAJASEKAR J.**

Jeni

WA No. 264 of 2024

26-03-2025