



W.P.No.11366 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 16.07.2025

CORAM :

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

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A.N.Ramadoss

.. Petitioner

v.

1. The Secretary to Government
Department of Housing and Urban
Development
Secretariat, Chennai 600 009

2. The Director
Tamil Nadu Housing Board
Nandanam, Chennai 600 035

3. The Managing Director
CMDA Premises
E & C Marketing Road
Koyambedu, Chennai 600 107

4. The Executive Engineer & ADO
K.K.Nagar Division
Tamil Nadu Housing Board
No.C-48, 3rd Floor, 2nd Avenue
Anna Nagar, Chennai 600 040

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying



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for issuance of a Writ of Mandamus, directing the respondents to take immediate action on the various representations sent by the petitioner including the last representation dated 03.01.2024 and consequently direct the respondents by allotting Commercial Plot No.331 at N.G.G.O. Nagar, Melamaiyur Scheme, Chenglepet District for which full consideration received by the 4th respondent or in the alternative to allot some other Commercial Plot of the Tamil Nadu Housing Board to the full satisfaction of the petitioner, within the time limit which may be fixed by this Hon'ble Court.

For Petitioner :: Mr.R.Sethu Pandian

For Respondents :: Mr.P.Ganesan
Additional Government Pleader
for R1
Mr.D.Veerasekaran
Standing Counsel for R2 to R4

ORDER

This writ petition has been filed for issuance of a mandamus directing the respondents to consider the representation made by the petitioner on 03.01.2024 and to allot the Commercial Plot No.331 at N.G.G.O. Nagar, Melamaiyur Scheme, Chenglepet District.

2. The case of the petitioner is that the Tamil Nadu Housing Board



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invited application for sale of Plot No.331 and the petitioner participated in this auction and he was declared as the successful bidder in the year 1999.

The petitioner had remitted a sum of Rs.89,000/- out of a total sum of Rs.1,11,000/- and the balance amount was supposed to be remitted by the petitioner at the time of execution of the sale deed in his name. After a long struggle, the petitioner was asked to remit a sum of Rs.91,000/- through notice dated 26.04.2023 and the petitioner paid this amount on 08.05.2023. In spite of the same, the plot was not allotted to the petitioner. The representation made by the petitioner in this regard also did not evoke any response. It is under these circumstances, the present writ petition came to be filed before this Court.

3. The fourth respondent has filed a counter affidavit. In the counter affidavit, the fourth respondent has admitted the following facts:-

“7. I respectfully submit that the petitioner has approached the respondent on 09.11.2016, 24.08.2021, 06.01.2022 for the issuance of allotment order and to receive the balance amount from the petitioner. Accordingly, the 4th respondent has issued the show cause notice on



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12.01.2021 that the petitioner has to pay the outstanding amount within one week from the date of receipt of this letter.

In the meantime, the approval from the Board was requested and same was approved on 05.04.2023. The Board has instructed to take further action on the allotment of Shop No.331. The same has been informed to the petitioner on 26.04.2023 to pay the outstanding dues of Rs.91,000/- and the petitioner has paid the said amount on 08.05.2023. After the receipt of said amount, the site inspections were carried out with regards to the subject shop No.331.

8. I respectfully submit that on the site inspection it is found that the said Shop No.331 was allotted to one Tmt.B.Sivagami. On perusal of the records from the allotment of Tmt.B.Sivagami, the respondent has made an advertisement on 28.01.2007 for the Shop No.R-331A under the sale of sealed offer cum open auction held on 20.02.2007. During the said open auction, Tmt.B.Sivagami was the Highest Bidder and allotment were made in her favour on 18.05.07 and then the sale deed was executed in her favour on 22.05.2008.

9. I respectfully submit that the regular allotment of the



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subject Shop No.331 was not issued to the petitioner till now. Further, the name of the Shop No.331 was changed as Shop No.R-331A. From this, the original records on the subject property was not reflected in the name of petitioner during the unsold unit auction carried out on 20.02.2007 and the same was informed to the petitioner that now there is no vacant shop site in the Melamayur Scheme.

10. I respectfully submit that now the petitioner has requested for alternate commercial site in this Writ Petition in Alapakkam, Chengalpet District or Marimalai Nagar, Chengalpet or Gudalur scheme, Maraimalai Nagar. After the verification of the unsold units of the Tamil Nadu Housing Board, K.K.Nagar Division, there is no commercial plot is unsold as requested by the petitioner but some of the commercial plots with large extents are available in the Thirukachur Scheme, Chengalpet District. If the petitioner is willing for the above said scheme then the said commercial plot may be allotted in favour of the petitioner after obtaining the prior approval from the Board. The cost of the alternative commercial plot will be fixed based on cost of the Thirukachur scheme.”



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4. Heard the learned counsels appearing for the parties.

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5. In the considered view of this Court, the Board had approved the allotment of the commercial plot on 05.04.2023 and the petitioner was informed on 26.04.2023 to pay the outstanding dues of Rs.91,000/-. The petitioner also paid this amount and the petitioner was expecting for the allotment of Plot No.331. On site inspection, it was found that one Tmt.B.Sivagami was in possession of Plot No.331.

6. The Housing Board is attempting to justify its stand by referring to the advertisement, which is said to have been issued on 28.01.2007 for sale of Plot No.331A. In the auction held on 20.02.2007, the said Sivagami was the highest bidder and the plot was allotted in her favour. The actual fraud had taken place when the advertisement was made for Plot No.331A, since what was allotted to Smt.Sivagami was Plot No.331. This was the plot which was originally allotted to the petitioner in the year 1999 itself. Hence, there is something more than what meets the eye in this case. Some official in the Housing Board has taken advantage of the fact that Plot No.331 was



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not occupied and has managed to come up with an advertisement as if Plot No.331A is being put on sale and the successful bidder was allotted Plot No.331.

7. The petitioner cannot be deprived of the plot on account of the fraud played by some official belonging to the Housing Board. In the counter affidavit, the Housing Board has now come forward to allot a commercial plot at Thirukachur Scheme, Chengalpet District. If the petitioner is prepared to make his application and the Housing Board is directed to consider the same, the petitioner will have to once again undergo the rigmarole of allotment, which will be invariably be caught in red tapism. Therefore, for the fraud committed against the petitioner, the petitioner should not be deprived of a commercial plot. This is more so, since the prior allotment was made in favour of the petitioner and it was approved by the Housing Board and the petitioner had paid the entire amount that was demanded by the Housing Board.

8. In the light of the above discussion, there shall be a direction to the



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respondents to allot a commercial plot to the petitioner in Thirukachur Scheme, Chengalpet District. This process shall be completed by the respondents within a period of six weeks from the date of receipt of a copy of this order.

9. In the result, this writ petition is allowed with the above direction.

No costs.

Index : yes/no
Neutral citation : yes/no

16.07.2025

ss

To

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