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W.P.No.3558 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR
AND
THE HONOURABLE MR.JUSTICE P.DHANABAL

W.A.No.3558 of 2023
and C.M.P.No. 29126 of 2023

M. Renukadevi

... Appellant

Vs.

1. The Managing Director,
Tamil Nadu Housing Board
(CMDA Complex),
E & C Market Road, Koyambedu,
Chennai-107.

2. The Manager,
Sales (M) Service,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam, Chennai-600 101.

3. The Executive Engineer & A.D.O.,
Tamil Nadu Housing Board,
(Anna Nagar Division),
Thirumangalam, Chennai-104.

4. The Assistant Engineer,
Tamil Nadu Housing Board
(Anna Nagar Division),
Thirumangalam, Chennai-101.

... Respondents



W.P.No.3558 of 2023

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order passed in W.P. No.14914 of 2023 dated 02.06.2023.

For Appellant : Mr.R.Varun Vignesh

For Respondents : Mr.D.Veerasekaran
Standing Counsel

JUDGMENT

(Delivered by **S.S. SUNDAR.J.,**)

The appellant was allotted a house on 27.10.2022 through draw of lots by the Tamil Nadu Housing Board. A residential flat to an extent of 648 sq. ft. was allotted. However, the same was cancelled by the 2nd respondent by an order dated 29.11.2022 on the ground that the appellant's husband, namely Tr. R. Murali, was already given an allotment of a residential house bearing Flat No.L-47/73. Challenging the same, the writ petition was filed. As the said writ petition was dismissed, the above writ appeal is filed.

2. The learned counsel appearing for the appellant states that the appellant got separated from her husband 10 years back. Since she is not living with her husband, she can be permitted to get independent allotment of another housing flat. Since the cancellation is only on the ground that her husband had an



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allotment earlier, the learned counsel would submit that the appellant, who is also residing independently and who is living separately, is entitled to a different allotment.

3. The learned single Judge dismissed the writ petition holding that the appellant has not produced any record to show that she got separated from her husband and is living separately for more than 10 years. It is not in dispute that as per the Regulations, only one member of a family is entitled for an housing flat and once an allotment is made in favour of husband, another allotment in the name of the appellant, is not permissible.

4. This Court is unable to find any merit in the appeal. The appellant contended that the allotment was in favour of her husband and she is entitled to allotment of another housing unit, because she is living separately. No proof has been furnished to substantiate that the marriage has come to an end. Therefore, merely because the appellant is residing separately, she is not entitled to another allotment. The contention that the appellant is living separately is not a matter to be considered. The appellant is not entitled to get another allotment of housing unit, as rightly contended by the learned counsel appearing for the respondents as



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per the Regulations.

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5. In the result, the writ appeal is dismissed. The appellant is directed to hand over possession of the flat forthwith. Upon handing over possession, the respondents shall refund the entire amount that was collected towards cost of the flat. Since it is stated that the allotment was cancelled after possession is handed over, no interest is granted for the said amount. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.)

(P.D.B., J.)

23.01.2025

Internet : Yes/No
Index : Yes/No
Neutral Citation : Yes/No
mjs/bbr



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S.S. SUNDAR, J
and
P.DHANABAL,J

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