



W.P.No.24443 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 29.07.2025

CORAM :

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.24443 of 2025

S.Parthiban

.. Petitioner

v.

1. State of Tamil Nadu represented by
the Principal Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai 600 009

2. The Tamil Nadu Housing Board
rep by its Managing Director
Koyambedu
Chennai 600 107

3. The Executive Engineer
Tamil Nadu Housing Board
Pattinapakkam Division
Nandanam
Chennai 600 035

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to allot alternate accommodation in Saidapet / KK Nagar, TNHB Housing Division in pursuance of the petitioner's representation dated 12.03.2025.



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For Petitioner :: Mr.D.Selvam for Mr.S.Tamilselvan

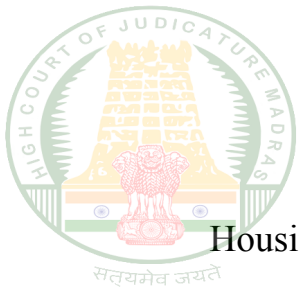
For Respondents :: Mr.E.Veda Bagath Singh
Special Government Pleader for R1
Mr.D.Veerasekaran
Standing Counsel for R2 & R3

ORDER

This writ petition has been filed for issuance of a mandamus directing the first respondent, namely, the State of Tamil Nadu to consider the representation made by the petitioner, wherein the petitioner is seeking for alternative accommodation.

2. The case of the petitioner is that he was allotted a house by the Tamil Nadu Housing Board at Pattinapakkam in the year 2011. The Housing Board is in the process of demolition of the construction, on the ground that it is in dilapidated condition. The petitioner, who did not have an alternative accommodation, approached the Government and made a representation requesting for alternative accommodation. Since the same was not considered, the present writ petition has been filed before this Court.

3. A counter affidavit has been filed by the Housing Board. The



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Housing Board has taken a stand that no one has the legal right to seek for an alternative accommodation. To substantiate this submission, the learned Standing Counsel appearing on behalf of the Housing Board relied upon the judgment of a Division Bench in W.A.No.2583 of 2018 dated 28.11.2018.

4. Heard the respective learned counsel appearing for the parties.

5. On carefully going through the materials placed before this Court, it is seen that the Government has in fact given alternative accommodation to some of the persons, which is evident from G.O.Ms.No.73, Housing and Urban Development Department dated 12.03.2024. On carefully going through the list of persons to whom such alternative accommodation has been given, it is seen that these persons are either the Personal Assistant to an ex-Minister or the party functionaries. They have been given alternative accommodation at K.K.Nagar.

6. What is sauce for the goose is sauce for the gander. If the Government is willing to provide alternative accommodation for some



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persons, the same yardstick must be applied to all the others. In other words, either the Government should not give alternative accommodation to anyone or if the Government chooses to give alternative accommodation, it must be given to everyone. This is in view of the fact that everyone must be treated as equal irrespective of the position they hold.

7. In the counter affidavit filed by the Housing Board, it has been stated that such alternative accommodation was made only by the Government and not by the Housing Board.

8. The learned Standing Counsel appearing on behalf of the Housing Board submitted that only 10 flats have been occupied and the buildings are in a very dilapidated condition and it is very dangerous to continue the occupation in the said buildings.

9. This Court is able to understand the apprehension raised by the Housing Board. On the other hand, this Court must also do justice to the parties who approach the Court and who are able to point out to this Court



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that such alternative accommodation has been given to some persons.

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Hence, there shall be a direction to the first respondent/Government to deal with the representation made by the petitioner and to take a decision and inform the petitioner, within a period of two weeks from the date of receipt of a copy of this order. Till then, the present status quo shall be maintained. It is also made clear that the petitioner is continuing to reside in the property at his own risk and in case of any eventuality, he should not turn back against the Government and seek for compensation.

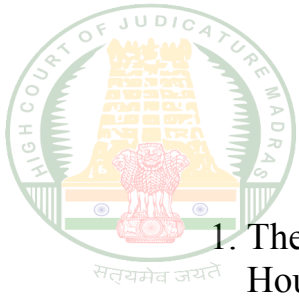
10. This writ petition is disposed of with the above direction. Consequently, W.M.P.No.27534 of 2025 is closed. No costs.

Index : yes/no
Neutral citation : yes/no

29.07.2025

SS

To



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N.ANAND VENKATESH,J.

SS

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