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W.A.No.349 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.03.2025

CORAM:

**THE HON'BLE MR.JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR**

W.A.No.349 of 2025
and C.M.P.Nos.2825 & 2826 of 2025

Peter Prakasam

...Appellant

Vs

1.The Secretary,
Tamilnadu Housing Board,
No.493, Anna Salai,
Nandhanam, Chennai – 600 035.

2.The Executive Engineer (Administration),
Tamilnadu Housing Board,
Coimbatore Housing Division,
Tatabad, Coimbatore – 641 042.

3.K.Chandraprakash

...Respondents

PRAYER: Writ Appeal filed under Clause XV of the Letters Patent to allow the present appeal and set aside the impugned order dated 30.01.2024 passed in W.P.No.6060 of 2020.

For Petitioner : Mr.Richardson Wilson

For R1 & R2 : Mr.D.Veerasekaran,
Standing Counsel



JUDGMENT

(Judgment of the Court was delivered by M.S.RAMESH,J.)

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Heard Mr.Richardson Wilson, learned counsel for the appellant and Mr.D.Veerasekaran, learned standing counsel for the 1st and 2nd respondents. In view of the final order to be passed in this Writ Appeal, notice to the 3rd respondent is dispensed with.

2.1. The brief facts of the case are as follows:-

2.2. The land ad-measuring 4 grounds in Survey Nos.111 (part) and 112 (part), Sundakkamuthur Village, Coimbatore District, was allotted to the appellant herein by the Tamil Nadu Housing Board in the year 1981, for the purpose of constructing a church and a sale deed was also executed thereafter.

2.3. On 26.10.2006, the appellant gave a representation to the 1st respondent requesting for allotment of the adjacent 12.9 grounds in Survey No.111/12 for expansion of the church activities.

2.4. Since the representation was not considered within reasonable time, he had filed a Writ Petition before this Court in W.P.No.6060 of 2020, seeking for expeditious disposal of his representation.

2.5. The learned Single Judge, through the order dated 30.01.2024, had disposed of the Writ Petition, by recording that the subject lands in



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Survey No.111/12 was already brought for auction by the Tamil Nadu Housing Board in the year 2020 and the sale was confirmed in favour of the 3rd respondent herein. In the said order, it was also recorded that the 3rd respondent should utilize the land only for religious purposes and a direction was issued for giving an undertaking to the Housing Board for such usage.

3. The learned counsel for the appellant placed reliance on the terms of the tender notification dated 24.03.2020 and submitted that the utilization of the subject lands have been shown as 'for general purposes' and therefore, the learned Single Judge ought not to have sought for an undertaking from the 3rd respondent for utilizing the subject lands for religious purposes.

4. We are not in agreement with the said submission of the learned counsel for the appellant. Initially, the appellant had filed the Writ Petition for claiming allotment of the lands in Survey No.111/12 to them. However, pending the Writ Petition, the lands came to be allotted to the 3rd respondent through public auction, in which the appellant was an unsuccessful bidder. The classification of the lands, as per the approved layout, is also for religious purposes. While that being so, we do not find any infirmity on the part of the Writ Court in having affirmed such a classification and having directed the 3rd respondent to execute an undertaking, in order to ensure that



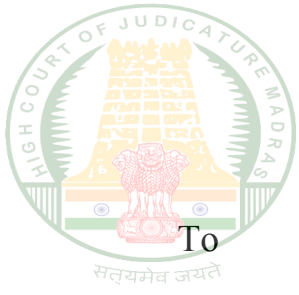
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the land is being utilized only for religious purposes. Merely because the tender notification specifies the subject land to be utilized for public purposes, it will not change the original classification in the approved layout or the revenue records.

5. In the result, we do not find any merits in the grounds raised in this appeal and accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(M.S.R.,J.) (N.S.,J.)
10.03.2025

Index:Yes/No
Neutral Citation:Yes/No
Speaking order/Non-speaking order
hvk



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