



W.P.No.26041 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.26041 of 2022

Sujatha Narayanan

... Petitioner

VS.

1.The Secretary to Government,
Housing & Urban Development,
Fort St George,
Chennai-09

2.The Managing Director,
Tamilnadu Housing Board,
Nandanam,
Chennai-35.

3.The Executive Engineer & ADO,
Tamilnadu Housing Board,
Besant Nagar Division,
Besant Nagar,
Chennai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner representation dated 24.11.2020 and to allot the balance extent of land as per the government order in G.O.448 (Housing and Urban Development Department) dated 06.05.1985 within reasonable time.



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For Petitioner : Mr.S.Sivakumar
M/s.Ali Hassan Khan S.

For R1 : Mr.G.Ameedius
Government Advocate

For R2 and R3 : Mr.D.Veerasekaran
Standing Counsel (TNHB)

ORDER

The Writ Petition is filed seeking a direction to the respondents to consider the representation of the petitioner dated 24.11.2020 and allot the balance extent of land as per the Government Order in G.O.No.448, Housing and Urban Development Department, dated 06.05.1985.

2. It is the case of the petitioner that she owned a housing plot measuring to an extent of 2800 sq.feet in Survey No.169/1, Thiruvannamur Village. The same was acquired by the Tamil Nadu Housing Board for extension of Besant Nagar Neighbourhood Scheme in the year 1983 and agreed to provide alternate site of the same extent to the petitioner. Accordingly, a Government Order was issued in G.O.Ms.No.448, Housing



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and Urban Development Department, dated 06.05.1985, which reads as

follows:-

“The Government has carefully examined the request at Tmt.Sujatha Narayanan may be allotted a plot of same extent of land taken over from her by the Housing board in the same area, subject to the collection of development charges, etc. as may be fixed by the Housing Board.

The Chairman, Tamil Nadu Housing Board is requested to take necessary action early.”

3. Thereafter, a plot was allotted to the petitioner in K.K.Nagar and the same was subsequently cancelled. Aggrieved by the same, the petitioner has filed writ petition in W.P.No.15003 of 1990, the same came to be allowed on 28.10.1998 by directing the respondents therein to allot a plot to the petitioner in a developed area in the City of Madras. The relevant portion of the order reads as follows:-

“directed to allot a plot to the petitioner herein in a developed area in the City of Madras within a period of 12 weeks from the date of receipt of a copy of this order. I make it clear that while fixing the price for the said plot, the



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respondent are directed to take note of the plight of the petitioner from 1989 till this date.”

4. Pursuant to the direction issued by this Court in the above mentioned writ petition, the Tamil Nadu Housing Board allotted a house site to the petitioner in Anna Nagar West Extension Scheme measuring an extent of 1968 sq.feet and collected a sum of Rs.3,60,000/- from the petitioner towards cost. Since the petitioner was allotted alternative site only for the extent of 1968 sq.feet as against 2800 sq.feet acquired from the petitioner, she submitted a representation before the respondents 2 and 3 on 24.11.2020 seeking allotment of balance extent measuring 832 sq.feet. The said representation has not been considered by the respondents 2 and 3 till date. Hence, the petitioner has come before this Court.

5. The learned counsel appearing for the petitioner vehemently contended that a plot with an extent 2800 sq.feet has been acquired from the petitioner. However, the petitioner was allotted with only a plot with an extent of 1968 sq.feet and therefore, a suitable direction shall be issued to the respondents to allot the deficit extent.



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6. The learned Standing Counsel appearing for the respondents 2 and 3 submitted that at the relevant point of taking into consideration the difference in the cost, a lesser extent was allotted to the petitioner.

7. It is specifically stated by the 3rd respondent in her counter affidavit that the plot cost in Anna Nagar is higher than the plot cost of petitioner at the relevant point of time and therefore, the petitioner was allotted with a lesser extent and only development charges of Rs.3,60,000/- was collected. It is also stated by the 3rd respondent that the petitioner having satisfied with allotment of alternative site in Anna Nagar West Extension, waited for nearly 23 years and filed the present writ petition with delay, seeking allotment of deficit extent. Therefore, the petitioner's request for allotment of deficit extent is not acceptable to the respondents-Board.

8. The narration of facts would indicate that this Court directed the respondents therein to allot a plot to the petitioner in a developed area in W.P.No.15003 of 1990. Pursuant to the said direction, the respondents also allotted a plot with an extent of 1968 sq.feet to the petitioner in Anna Nagar West Extension even in the year 1999. The petitioner accepted the same and



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she has not raised any objection at the relevant point of time. If the petitioner feels the allotment of 1968 sq.feet would not amount to proper compliance of the direction issued by this Court, she could have immediately filed a contempt petition or sought for a further direction to allot the balance extent. Having satisfied with the allotment of plot in Anna Nagar Westn Extension with the lesser extent, the petitioner has not raised any objection or approached this Court for nearly 23 years. Now, after the expiry of 23 years, the present representation has been filed seeking allotment of deficit extent. As rightly contended by the learned Standing Counsel appearing for the respondents 2 and 3, the present writ petition filed by the petitioner is hit by laches and hence, this Court is not inclined to entertain the prayer sought for by the petitioner.

9. Accordingly, the Writ Petition is dismissed. No costs.

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Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

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S.SOUNTHAR, J.

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