



W.P.No.25660 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.25660 of 2023

V.T.Prabhakar

Vs

... Petitioner

1. The Chairman,
Tamil Nadu Urban Habitat Development Board,
Kamarajar Salai, Chennai 600 005.
2. Tamil Nadu Urban Habitat Development Board,
Division-6, 83rd Street, 13th Sector,
Sivalingapuram, K.K.Nagar, Chennai 600 078.

3. Jayalakshmi

4. Ravuf Ali

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India seeking issuance of Writ of Mandamus, directing the first and second respondents to consider the representation of the petitioner dated 21.06.2023 and pass orders on merits within a time to be stipulated by this Court.



W.P.No.25660 of 2023

For Petitioner : Mr.S.V.Radhakrishnan

For Respondents : Mr.G.Venkatesan, Standing Counsel
for respondents 1 and 2.

ORDER

The petitioner herein seeks a direction to the respondents 1 and 2 to consider his representation dated 21.06.2023 and pass final orders on its own merits within a time stipulated by this Court.

2. According to the petitioner, Plot No.154 in door No.13, 3rd street, Kamarajar Colony, Kodambakkam, Chennai 600 024 was allotted to the petitioner's father on 16.08.1984 in proceedings செ/மு.எண்.457/83/66/எ,சே./உ,வ,தி. (I/II/III). The petitioner's father paid the entire amount of Rs.3,935/-,as per the allotment order. The petitioner's father died in the year 1998 and his mother died in the year 2004. Since the petitioner was out of city in connection with his work, taking advantage of his absence, one Neelavathi, illegally sold the above mentioned property to one Mohammed. Subsequently, the said Mohammed got allotment of the said plot from the respondent Board.



W.P.No.25660 of 2023

WEB COPY

Aggrieved by the same, the petitioner submitted a representation before the respondents on 21.06.2023 seeking cancellation of the subsequent allotment made in favour of the said Mohammed and to re-allot the earlier allotment made in favour of the petitioner's father. The said representation has not been considered by the respondents Board and hence, the petitioner has come before this Court.

3. Mr.G.Venkatesan, learned Standing Counsel appearing for the respondents 1 and 2 would submit that similar representation submitted by the petitioner was already considered and rejected by the Estate Officer of the respondents Board on 29.09.2011. He also produced the copy of the order passed by the Estate Officer. The learned counsel for the respondents 1 and 2 would further submit that the competent authority to consider the representation of the petitioner is Managing Director of the respondents Board.

4. A reading of the order passed by the Estate Officer would suggest that the above mentioned plot was allotted to the petitioner's father and he sold the property, violating the allotment conditions.



W.P.No.25660 of 2023

WEB COPY

However, there is no reference about the cancellation of the allotment made in favour of the petitioner's father. Further, the said order is not clear whether the allotment made in the name of the petitioner's father was duly cancelled or not.

5. In view of the above, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the first respondent to forward the representation of the petitioner dated 21.06.2023 to the Managing Director of the Board and the said authority shall consider the same and pass final orders on its own merits, within a period of eight weeks from the date of receipt of copy of this Order, after issuing notice to the petitioner, respondents 3 and 4 and one Mohammed named by the petitioner in his representation.

6. With the above direction, this writ petition is disposed of.
There shall be no order as to costs.

07.01.2025

Index:Yes/No
Internet:Yes/No
mst



W.P.No.25660 of 2023

WEB COPY

To

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S.SOUNTHAR, J.

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W.P.No.25660 of 2023

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