



WEB COPY



W.P.No.32787 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-09-2025

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 32787 of 2025
and
WMP No.36712 of 2025**

K.S.Asiam

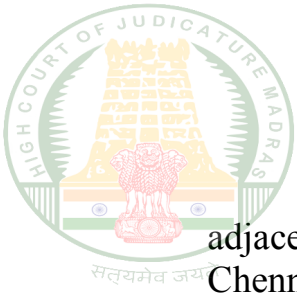
... Petitioner

Vs

1. The Additional Chief Secretary to Government of Tamilnadu,
Housing and Urban Development Department,
Secretariat,
Chennai – 600 009.
2. The Secretary to Government of Tamilnadu,
Labour Department,
Secretariat,
Chennai – 600 009.
3. The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai – 600 035.
4. The Commissioner Labour,
Office of Commissioner of Labour,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent in letter No.10010511/HB3(1) 2025-2, dated 25.06.2025 and quash the same and direct the 1st and 3rd respondent to execute the sale deed infavour of the petitioner to an extent of 3345 sq.ft.



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adjacent to his house at No.431, 9th Street, Sharma Nagar, Vyasorpadi, Chennai – 600 039 based on the recommendation of the 2nd and 4th respondent as per prevailing market value.

For Petitioner : Ms.G.Devi

For Respondents : Mr.P.Ganesan
Additional Government Pleader [R1, R2 & R4]
Mr.D.Veerasekaran [R3]

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in letter No.10010511/HB3(1) 2025-2, dated 25.06.2025 and quash the same and direct the 1st and 3rd respondent to execute the sale deed infavour of the petitioner to an extent of 3345 sq.ft. adjacent to his house at No.431, 9th Street, Sharma Nagar, Vyasorpadi, Chennai – 600 039 based on the recommendation of the 2nd and 4th respondent as per prevailing market value.

2. Mr.P.Ganesan, learned Additional Government Pleader, accepts notice on behalf of the respondents 1, 2 and 4 and Mr.D.Veerasekaran, learned counsel, accepts notice on behalf of the 3rd respondent. In view of the consent expressed by the parties, this writ



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petition is taken up for final disposal at the stage of admission itself.

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3. The case of the petitioner is that he was allotted the land in Plot No.431 to an extent of 1,400 sq.ft during the year 1995 under the scheme called SIHS at a subsidy cost and the allotment order was issued by the Tamil Nadu Housing Board on 24.04.1995 and the sale deed was issued on 29.10.2001. Subsequently, the petitioner has been repeatedly requesting the Government to allot a piece of 3,536 sq.ft. of land lying adjacent to the Plot No.431 by way representation, however no order was passed, thereby, he filed a writ petition before this Court in W.P.No.1050 of 2010, which was dismissed, against which, he filed a writ appeal in W.A.No.1129 of 2021. The Division Bench of this Court, by its order, dated 07.11.2023, has granted liberty to the petitioner to approach the Government or the Tamil Nadu Housing Board for purchase of the property as per market value. Pursuant to which, the petitioner has made a representation dated 14.11.2023 and the same was rejected by the Tamil Nadu Housing Board vide letter dated 09.03.2024 by granting liberty to the petitioner to approach the Government, and accordingly, the petitioner has preferred an appeal before the Government and the Government/1st respondent has also rejected the request of the petitioner



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to allot the land to an extent of 3,536 sq.ft. lying adjacent to the house of the petitioner in Plot No.431, vide impugned order dated 25.06.2025.

Challenging the same, the present writ petition is filed.

4. The learned counsel for the petitioner submits that inadvertently, the petitioner has made a representation before the Tamil Nadu Housing Board. Subsequently, the petitioner came to know that the land to an extent of 3,536 sq.ft. belonging to the 4th respondent. Hence, she submitted that this Court may permit the petitioner to approach the 4th respondent for purchase of the said land at the market rate.

5. The learned respective counsel appearing for the respondents submit that in fact the petitioner encroached upon the Government land, put up superstructure and is residing there. Therefore, the Government took a sympathetic view and allotted the originally encroached land to an extent of 1,400/- sq.ft. for a sum of Rs.9,600/- and the sale deed was also executed in favour of the petitioner for the said land as per the G.O.Ms.No.128, Housing and Urban Development Department, dated 24.03.1997. Now, the petitioner is requesting the Government to allot a piece of 3,536 sq.ft. of land, lying adjacent to the plot No.431, which the



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petitioner had already encroached upon without any proper Government order or documents. Therefore, the 1st respondent has passed the impugned order rejecting the request of the petitioner, which is perfectly in order and the same does not require any interference at the hands of this Court. Accordingly, they pray for dismissal of this writ petition.

6. Heard the learned counsel for the parties and also perused the materials available on record.

7. Admittedly, the house No.431 with an extent of 1,400 sq.ft. was allotted to the petitioner by the Government during the year 1995 under a scheme called SIHS at a subsidized cost and the allotment order was issued by the Tamil Nadu Housing Board on 24.04.1995 and the sale deed was issued on 29.10.2001. Subsequently, the petitioner is requesting the Government to allot a piece of 3,536 sq.ft. of land lying adjacent to the Plot No.431 allotted to the petitioner. It is seen from the records that the Government took a sympathetic view and allotted the originally encroached land to an extent of 1,400 sq.ft. for a sum of Rs.9,600/- to the petitioner, since the petitioner has encroached upon the Government land, put up superstructure and is residing there. Now, the petitioner has also



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encroached the land adjacent to his originally allotted land and requesting the Government to allot the same to him, which cannot be acceded to, since the land belongs to the 4th respondent and the Government land cannot be alienated in favour of a private individual. Therefore, the 1st respondent has passed the impugned order rejecting the request of the petitioner, since there is no basis for considering the request for allotment of encroached land, which is *per se* sustainable and the same cannot be interfered with.

8. It is claimed by the petitioner that the land lying adjacent to the petitioner's originally allotted land initially belongs to the Tamil Nadu Housing Board and now the same belongs to the 4th respondent and seeks permission of this Court to approach the 4th respondent for purchase of the same. Even assuming that the said land belonging either to the Tamil Nadu Housing Board or the 1st respondent, this Court cannot permit the petitioner to approach the said authorities, since the petitioner has no right to request the Government for alienation of the said land to him. Further, the lands owned by the Government can be alienated only by way of public auction and not by way of private negotiation by an individual. Hence, prayer sought for by the petitioner cannot be granted and this writ



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petition is liable to be dismissed.

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

Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SP

To

1. The Additional Chief Secretary to Government of Tamilnadu,
Housing and Urban Development Department,
Secretariat, Chennai – 600 009.
2. The Secretary to Government of Tamilnadu,
Labour Department,
Secretariat, Chennai – 600 009.
3. The Managing Director,
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Nandanam, Chennai – 600 035.
4. The Commissioner Labour,
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M.DHANDAPANI, J.

SP



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