



WEB COPY



W.A.No.1507 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.1507 of 2026

N.Usha
W/o.Late S.Nainar
No.12, Convent Street,
Shenoy Nagar, Chennai 600 030

Appellant(s)

Vs

The Managing Director,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai,
Chennai 600 005

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by the learned Single Judge in W.P.No.15633 of 2026 dated 21.04.2026.

For Appellant(s) : Mr. K.V. Ananthakrushnan



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JUDGMENT

(Delivered by G.ARUL MURUGAN, J.)

The writ appeal is filed challenging the order dated 21.04.2026 passed in W.P.No.15633 of 2026, wherein the writ Court disposed of the writ petition by permitting the appellant/petitioner to remit the cost of the house within two weeks without interest, pursuant to which, the respondent board was directed to issue the allotment order.

2. Learned counsel for the appellant contended that though an order directing allotment was passed in favour of the appellant, still the appellant's request for a house either in the Shenoy Nagar Project or the Thirumangalam NV Nagar Scheme was not considered. Instead, the learned Judge directed the issuance of an allotment in a tenement at Moorthy Nagar, which is located far from the appellant's present residence, which resulted in filing of this appeal. The learned counsel further submitted that when there are vacancies available in the other projects, the respondent board had rejected the request without any basis and the appellant is entitled to an allotment in any one of those projects.



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3. Heard the learned counsel for the appellant and considered the materials available on record.

4. The appellant has sought allotment of a tenement on the ground that she belongs to economically weaker section. In fact, the claim of the appellant has now been favourably considered and pursuant to the submission made by the respondent, the writ petition came to be disposed of with the following direction:

"9. Accordingly, this Court issues the following directions:-

i) The petitioner shall remit a sum of Rs.6,09,000/- (Rupees Six Lakhs and Nine Thousand only) by way of Demand Draft in favour of the Executive Engineer, Division-II, Chennai, within a period of two weeks from the date of receipt of a copy of this order. This Court makes it clear that interest will not be applicable for the aforesaid payment.

ii) Upon such receipt, the respondent shall issue allotment of the tenement in favour of the petitioner, within a period of two weeks thereafter. Further, the respondent is directed to issue a payment schedule enabling the petitioner to make subsequent payments, if any, without any default."



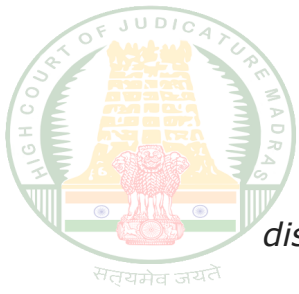
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5. Even though the above directions are in favour of the appellant providing for the allotment of a tenement on payment of cost without any interest, the main plank of contention of the learned counsel is that this allotment is for Moorthy Nagar Street and the appellant is entitled to an allotment either in Shenoy Nagar Project or Thirumangalam NV Nagar Scheme. This contention has to be outrightly rejected for the simple reason that in the earlier writ petition filed by the appellant in W.P.No.2930 of 2023, the same claim was made, which was objected to by the respondent board.

6. By order dated 11.06.2024, the writ petition came to be disposed of rejecting such claim of the appellant and the respondent board was directed to consider the request for allotment in any one of the vacancies in the existing projects of the respondent board. The relevant portion of the order reads as under:

"5. The petitioners shall appear before R4, accompanied by documents mentioned in the counter as well as any other documents, which they seek to rely upon in support of their oral submissions. After hearing the petitioners and a consideration of prayer, let representation dated 05.01.2023 (in W.P.No.2930 of 2023) and 09.01.2023 (in W.P.Nos. 2931 & 2933 of 2023) be

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disposed considering their request for allotting houses in any one of the vacancies in the existing projects of the Tamil Nadu Urban Habitat Development Board, and in accordance with law.”

7. When such a claim of the appellant has already been rejected and has attained finality, the appellant cannot be again allowed to make the same claim again, especially when the appellant's claim for allotment of a tenement has been considered and disposed of by the writ Court.

8. In view of the above, we find no merit in the appeal and the same is accordingly dismissed. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
15.06.2026

Index : Yes
Neutral Citation : Yes
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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To

The Managing Director,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai,
Chennai 600 005

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