

(2011) 11 MAD CK 0144

Madras High Court (Madurai Bench)

Case No: Writ Petition (MD) No. 832 of 2011

M. Swarnam

APPELLANT

Vs

The Managing Director,
Tamil Nadu Housing
Board, Nandanam,
Chennai - 600002, The
Administrative
Officer-cum Executive
Engineer, Tamil Nadu
Housing Board, Trichy
Housing Unit,
Kajamalai Colony,
Trichy - 20 and
Mathialagan (R-3
impleaded as per order
dated 14.11.2011 in
M.P.No.1 of 2011)

RESPONDENT

Date of Decision: Nov. 14, 2011

Hon'ble Judges: K. Chandru, J

Bench: Single Bench

Advocate: G. Thalaimutharasu, for the Appellant; P. Ganapathisubramanian for Respondent
2nd and Mr. R. Murugan for Respondent 3rd, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Honourable Mr. Justice K. Chandru

1. The petitioner is a resident of Rajagopalapuram residing at Park Nagar, Pudukottai District. In this writ petition, she has sought for a direction to the respondent to consider her representation dated 30.08.2011 for allotment of plot described as (shop No.1) under

Rural Development Scheme in Phase III, Poonga Nagar, Pudukkottai, Trichy Housing Unit.

2. When the writ petition came up for admission on 22.01.2011, this Court ordered notice of motion and granted private notice. In the meanwhile, one Mathialagan, who was an allottee of the plot in question has filed M.P.(MD)No.1 of 2011 seeking to implead himself in the writ petition and that was ordered today.

3. The case of the third respondent (impleaded) is that he had applied for Shop No.1 in the housing unit and which was allotted to him on 30.11.2010 (long before the petitioner filed the writ petition). Subsequent to the allotment, he has paid the sale consideration of Rs.17,11,500/-to the Housing Board and registered a sale deed, dated 17.02.2011 was also executed by the second respondent and he is the lawful owner of the said premises.

4. In the guise of sending representation, the petitioner cannot seek for any allotment. To support the averment made in the affidavit, the third respondent has also filed six receipts issued by the Board evidencing the sale consideration paid by the third respondent including the sale deed dated 17.02.2011 in the form of typed set of papers. The petitioner has not controverted these allegations.

5. The standing counsel for the Housing Board states that the petitioner has no locus standi to seek for any allotment of the plot exclusively for her unless the matters are advertised, the petitioner also participated in any auction. Taking advantage of the same, the learned counsel for the petitioner states that the allotment was made in favour of the third respondent by the Board and no procedures have been followed and she had also made complaint to all authorities vide representation dated 30.08.2010. That representation made by the petitioner, do not inspire this Court to pass order in her favour. As the representation itself started by saying that the area under the Rural Development Scheme in Phase III, Poonga Nagar, Pudukkottai, she used the vacant space without any disturbance and interference to the Board for more than 12 years and had also put up fencing which only indicate that she has encroached the land without authority of the Board or the Government. Mere offering that she is willing to give the sale price of the plot, cannot be accepted by this Court as it is amount to make premium to the Board by the encroacher who has come to this Court without any legal authority or legal obligation on the part of the Board to allot the plot. This Court is not inclined to entertain the writ petition. Hence, the writ petition stands dismissed. No costs.