

(1994) 04 NCDRC CK 0049

In the National Consumer Disputes Redressal Commission

CHAIRMAN, TAMIL NADU HOUSING BOARD

APPELLANT

Vs

Poongothai

RESPONDENT

Date of Decision : 29-04-1994

Acts Referred:

Citation : 1996 1 CPJ 55

Hon'ble Judges : S.A.Kader , R.N.Manickam , Ramani Mathuranayagam J.

Final Decision : Appeal dismissed with costs

Judgement

1. THE appeal arises out of the order of the District Consumer Disputes Redressal Forum, Erode, dated 1.11.93 in OP No. 51/92. THE Opposite Parties are the Appellants.

2. THE Complainant has applied for an allotment of a L.I.G. house under the Govt's Discretionary quota in Nasiyanur Road Scheme, Phase II falling under the Erode Housing Unit of the Tamil Nadu Housing Board. THE Government have passed G.O. Ms. No. 177, dated 8.2.91 allotting L.I.G. twin houses to several persons and the Complainant is one, who has been allotted house No. 237. THE Opposite Parties, who are the Chairman, Tamil Nadu Housing Board, Madras and the Executive Engineer, Tamil Nadu Housing Unit, Erode have failed to allot the house and hand over the possession and hence the complaint. The Opposite Parties raised the contention that they did not know, who the Complainant was and they have not yet ascertained about the allotment to her.

The District Forum rejected the contention of the Opposite Parties and directed them to allot the house and hand over possession to her within 2 months from the date of the order. It is this order that is challenged in the appeal.

3. EX. A2 is the Government Order issued by the Government, dated 8.2.91 is clear and categorical. The L.I.G. twin houses in Nasiyanur Road Scheme, Phase II falling under the Erode Housing Unit have been allotted by the Government in their discretionary quota to 12 persons. Persons No. 9 is the Complainant, Tmt. N. Poongothai, who has been allotted house No. 237. In spite of this Government

Order, the Opposite Parties have not passed any order for allotment and have not handed over the possession of this house to the Complainant. The explanation that they are unable to ascertain, who the Complainant is puerile. As rightly pointed out by the District Forum, the Opposite Parties have not produced any record to show whether that house has been allotted to anybody else or what has become of this house. Unfortunately, the Opposite Parties have taken a dubious stand. They have acted in a cavalier manner. The District Forum has rightly directed them to hand over the possession of the house within 2 months. Instead of complying with the order, they have chosen to prefer this appeal without any basis, just to drag on the proceedings. The conduct of the appellants deserves severe condemnation. In the result, the appeal fails and is dismissed with costs of Rs. 2,000/-. Appeal dismissed with costs.