

(2002) 03 MAD CK 0027

In the Madras High Court

Case No : Writ Petition No. 15761 of 1994 and W.M.P. No. 23822 of 1994

R. Vimala

APPELLANT

Vs

The Government of Tamil Nadu and P.L. Mohan

RESPONDENT

Date of Decision : 14-03-2002

Acts Referred:

Citation : (2002) 03 MAD CK 0027

Hon'ble Judges : A.K. Rajan, J

Bench : Single Bench

Advocate : M. Ajmal Khan, for the Appellant; M. Liyagat Ali, AGP, for the Respondent

Final Decision : Allowed

Judgement

A.K. Rajan, J.—The above writ petition is filed for issue of writ of certiorarified mandamus to call for the records in respect of the impugned

G.O.2D.No.405 dated 24.8.1994 Housing & Urban Development Department passed by the first respondent and quash the same and direct the

respondents to issue key order in respect of house MIG No.144 allotted to the petitioner by G.O.Ms.No.415 dated 10.5.1990 to the petitioner

herein.

2. The petitioner was allotted MIG House NO.M.144 by G.O.Ms. NO.415 dated 10.5.1990 . She has also paid the amount as required by the

Government order. Subsequently, by G.O.2.D.NO.405 dated 24.8.1994 , the first respondent modified the earlier order in G.O.MS.No.415

dated 10.5.1990 and consequently the allotment made to the petitioner was cancelled on the ground that the petitioner is already having another

house and thereby she becomes disqualified to get an allotment under the

Housing Board. Challenging this order, the writ petition has been filed.

3. Counter has been filed by the respondents stating that originally M.I.G. No.144 in RM Colony , Dindigul was allotted to the petitioner and she

had also paid Rs.42,200 towards initial deposit and Rs.1095/- towards first instalment and Rs.20/- towards maintenance charge. But the house

was not handed over to the petitioner, since the authorities came to know, based on the marriage invitation of one Sekar that one Vadivel was the

petitioner's husband and he was owning another house bearing NO.M 7 at R.M. Colony, Dindigul. Hence the petitioner became ineligible to get

another house.

4. In the reply affidavit it is stated that Vadivel is not the husband of the petitioner and she was married to one B.Sekar on 24.1.988 and her

husband does not own any house.

5. In view of the specific statement made in the reply affidavit that the writ petitioner is not wife of Vadivel, the reason for cancelling the allotment

order in favour of the petitioner on the ground that she was married to Vadivel and that Vadivel was already having a house cannot be accepted.

Therefore, the G.O.2.D.No.405 dated 24.8.1994, where by the allotment made to the petitioner was cancelled is to be set aside. Further no

notice was given before cancellation and on that ground also the impugned order is liable to be set aside. Accordingly, the impugned order is set

aside.

6. In the result, the writ petition is allowed. Consequently, the connected W.M.P is closed. No costs.