

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.09.2016

Coram:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

W.P.No.2320 of 2013

and

M.P.No.1 of 2013

Mrs.K.S. Mullai Petitioner

Vs

1.State of Tamil Nadu
by its Secretary to Government
Housing and Urban Development
(LA 4(1) Department
Fort St. George
Chennai-9.

2.The Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai-35.

...Respondents

Prayer : This writ petition has been filed to issue a Writ of Mandamus, directing the second respondent to dispose of the representation of the petitioner, dated 22.12.2012 seeking permission to reside in the rental premises bearing Door No.18, Model House Road, C.I.T. Nagar, Nandanam, Chennai, as a tenant, for a period of six months.

For Petitioner : M/s.D. Sujatha

For Respondents

Nos.1 & 2

: Mr.V. Anandhamurthy

Standing Counsel

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Heard.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the second respondent to dispose of the representation of the petitioner, dated 22.12.2012, seeking permission to reside in the rental premises, bearing Door No.18, Model House Road, C.I.T. Nagar, Nandanam, Chennai, as a tenant, for a period of six months.

3. It has been stated that the house in question had been originally allotted to the husband of the petitioner, namely, Munisamy, on rental basis, during the year, 1980. After the demise of her husband, an eviction proceedings had been initiated, by the authorities concerned, and an order of eviction had been passed, on 24.09.2010, against which, an appeal had been filed, which was dismissed by the first respondent, by an order, dated 16.11.2011.

4. A writ petition had been filed before this Court, challenging the order of the first respondent, in W.P.No.28668 of 2011. The said writ petition had also been dismissed, by an order, dated 4.10.2012, observing that, as the petitioner, who is the son of the deceased Munisamy, had been in occupation of the premises for several years, time had been granted to the petitioner to vacate the premises, on or before, 31.1.2013, and the said order had not been challenged.

5. Thereafter, the wife of late Munisamy and his daughter M. Padmavathy had submitted a representation, dated 22.12.2012, to the respondents herein, praying that they may be permitted to reside in the premises, for a period of six months, as the wedding of the daughter of the petitioner herein, had been arranged. When the petitioner had filed the present writ petition, time had been granted to enable the petitioner to file an affidavit of undertaking to vacate and handover the possession of the house in question, by the end of June, 2013. However, the petitioner has been in occupation of the house in question, till date.

6. The learned counsel, appearing on behalf of the respondents had submitted that, even the time granted by this Court, for vacating the premises in question, by the end of June, 2013, had also expired, long back. Even otherwise, the legal heirs of the original allottee, could not have any right to continue in occupation of the premises allotted to the original allottee. He had also placed before this Court, a copy of the order passed, by a Division Bench of this Court, dated 4.2.2015, in W.A.No.1722 of 2012, in support of his contention.

7. In the given facts and circumstances of the case, it is noted that the petitioner had been in occupation of the premises in question, unauthorisedly, even after the order passed by this Court, in W.P.No.28668 of 2011, granting time to the petitioner to vacate the premises in question, on or before 31.01.2013. It is also noted that further time had also been granted by this Court, in the present writ petition, asking the petitioner to file an affidavit of undertaking to vacate the premises, by the end of June,

2013. However, the petitioner had not complied with any of the said directions, till date. As such, this Court does not find any cause or reason, to grant the relief, as prayed for by the petitioner, in the present writ petition. Hence, the writ petition stands dismissed. No costs. Consequently, connected M.P. is also dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rnb

To

1.The Secretary to Government
Housing and Urban Development
(LA 4(1) Department
Fort St. George
Chennai-9.

2.The Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai-35.

1 cc to M/s.V.Anandhamoorthy, Advocate, sr.51674
1 cc to M/s.D.Sujatha, Advocate, sr.52313
1 cc to Government Pleader, sr.52215

W.P.No.2320 of 2013
and
M.P.No.1 of 2013

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kra 05.10.2016

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