

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.42901 of 2016

and WMP.No.36796 of 2016

S.Savithri .. Petitioner
vs.

1.The Executive Engineer,
Tamil Nadu Housing Board
Vellore Housing Unit,
7th Road, Bharathi Nagar,
Sathuvacheri, Vellore-632 009.

2.The District Collector,
Vellore District, Vellore. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to take necessary action for further extension of time for vacating and handing over vacant possession of the house of the Respondent, bearing Door No.D-1, TNHB Quarters, Sankaranpalayam, Vellore-1 till settlement of due salary and retirement benefits from the Education Department, particularly the Chief Educational Officer, Vellore on the basis of the petitioner's representation dated 16.11.2016.

For Petitioner : Mr.R.Thanian

For Respondents : Mr.V.Anandamoorthy for R1

Mr.K.Dhananjayan,
Special Government Pleader for R2

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner, while working as Secondary Grade Teacher in E.V.R.N.G. Girls Higher Secondary School, Vellore, was

allotted with an apartment under Rental Housing Scheme to Low Paid Employee of the State Government on 10.09.2001 and though she had retired from service on 30.05.2013, she has not vacated the premises and it is her contention that there is a matrimonial discord and her salary and retiral/terminal benefits have not been settled and in this regard, she has also filed a Writ Petition in W.P.No.11665 of 2008 praying for settlement of salary and retiral benefits and it was dismissed for default and steps were taken to restore the same and in the light of grave hardship and financial difficulty, she prays for retention of the quarters until her salary and other retiral/terminal benefits are settled.

3. The Writ Petition was listed on 08.12.2016 and on that day, after hearing the arguments, this Court was not inclined to entertain the writ petition and at that juncture, the learned counsel appearing for the petitioner submitted that the petitioner will file an affidavit of undertaking to vacate the premises in question within a period of forty five days from that day and accordingly, at the request of the learned counsel appearing for the petitioner, the matter was adjourned to 19.12.2016 (today) finally. Today, the petitioner has filed an affidavit of undertaking dated 16.12.2016 praying for six months time to vacate and deliver possession of the premises. However, time for six months sought for by the petitioner is strongly opposed by Mr.V.Anandamoorthy, learned counsel appearing for the first respondent.

4. In response to the same, the learned counsel appearing for the petitioner, on instructions, would submit that the petitioner would vacate the premises within three months from today and also further undertakes to pay the arrears of rent immediately after settlement of retiral benefits.

5. This Court has considered the rival submissions and also perused the entire materials available on record.

6. Admittedly, the earlier writ petition filed by the petitioner for payment of salary and settlement of retiral benefits was dismissed for default and it is yet to be restored and therefore, this Court is not expressing any opinion as to the plea raised by the petitioner that arrears of rent would be paid after receipt of retiral/terminal benefits. However, taking into consideration the affidavit of undertaking filed by the petitioner, coupled with the submission of the learned counsel appearing for the petitioner, on instructions, this Court passes the following order:

(i) The petitioner shall vacate and deliver peaceful possession of the premises bearing Door No.D-1, TNHB Quarters, Sankaranpalayam, Vellore-632 001, within a period of three months from today.

(ii) So far as recovery of arrears of rent is concerned, the first respondent is at liberty to proceed further in accordance with law.

7. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jvm

To

1.The Executive Engineer,
Tamil Nadu Housing Board
Vellore Housing Unit,
7th Road, Bharathi Nagar,
Sathuvacheri, Vellore-632 009.

2.The District Collector,
Vellore District, Vellore.

+lcc to Mr.Thanjan, Advocate, S.R.No.74019

+lcc to Mr.Anandha Murthy, Advocate, S.R.No.74132

+lcc to the Government Pleader, S.R.No.74450

SSK(CO)

RS(18/01/2017)

W.P.No.42901 of 2016

WEB COPY