

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.904 of 2017

1. R.Anitha
 2. R.Narender
 3. S.Sarala
 4. V.Rajeswari
 5. U.Suresh Kumar
 6. S.Venkatesan
 7. D.Kandasamy
 8. M.Shankar
 9. K.S.Lakshminarayanan
- ... Petitioners

Versus

1. The Chief Secretary to Government
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
2. The Addl. Chief Secretary - I
to Chief Minister,
Chief Minister's Special Cell,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
3. The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
4. The Secretary to Government,
Public Works Department,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.

5. The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai 600 035.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to allot Quarters to the petitioners at the newly constructed 700 Public Works Department Quarters at Tod Hunter Nagar, Saidapet, Chennai 600 015 pursuant to the Letter No.2915/HB5(2)/2013-7, dated 03.03.2014 issued by the 3rd respondent to the 5th respondent.

For Petitioners :Mrs.Narmadha Sampath

For Respondents 1 to 4 :Mr.A.Kumar,
Special Government Pleader

For 5th Respondent :Mr.V.Anandhamoorthy
Additional Government Pleader

O R D E R

Petitioners have come up with this Writ Petition seeking a direction to the respondents to allot Quarters to them at the newly constructed 700 Public Works Department Quarters at Tod Hunter Nagar, Saidapet, Chennai 600 015, in view of the Letter dated 03.03.2014 issued by the 3rd respondent to the 5th respondent vide No.2915/HB5(2)/2013-7.

2. The petitioners herein are staff of High Court of Madras, Chennai, working in different cadres. They are presently residing in the Tamil Nadu Housing Board Quarters, 174 Housing Scheme at Todhunter Nagar, Saidapet, Chennai. Out of the said 174 Quarters, 60 are C-type Quarters and the remaining are D-type Quarters.

3. While so, on 24.09.2013, the 5th respondent-Tamil Nadu Housing Board issued a notice to the petitioners calling upon them to vacate the Quarters, as the said Quarters are sought to be demolished. Hence, the petitioners made a representation to the respondents on 01.10.2013 for allotment of alternative accommodation at the newly constructed PWD Quarters. Thereafter, the 3rd respondent herein addressed a letter dated 03.03.2014 to the 5th respondent vide Letter No.2915/HB5(2)/2013-7, as regards allotment of alternative accommodation. In the said Letter, it is specifically stated that the High Court

staff staying in Todhunter Nagar Housing Board Quarters can also be accommodated in Public Works Department Quarters.

4. Pursuant thereto, all other Government staff residing in 174 Housing Scheme Quarters in Todhunter Nagar, Saidapet, who were served with demolition notice have been given accommodation in the newly constructed 700 C Type PWD Quarters. But, the petitioners herein, who are only nine in number, have been discriminated. Further, the 3rd respondent has sent a letter to the 5th respondent on 15.11.2016, with a copy of it marked to the respective allottees including the petitioners herein, ordering allotment of alternative accommodation in the 464 Housing Board Scheme and eviction of the present Quarters.

5. Today, when the matter is taken up for hearing, learned counsel for the petitioners submitted that the alternative accommodation provided to the petitioners herein in the 464 Housing Board Scheme is not a permanent one and the said Quarters is also in a dilapidated condition. She also drew the attention of this Court to the allotment order dated 15.11.2016, wherein, in paragraph 3, it is stated that the allottees, who are given alternative accommodation in the 464 Housing Board scheme should vacate the Quarters, once eviction notice is served upon them.

6. Further, learned counsel for the petitioners produced a copy of the Letter dated 19.01.2017 vide No.28082/H2/2016-1, addressed by the Right to Information Officer to one B.Gokulnath, wherein, it is stated that out of 700 C Type Public Works Department Government Staff Quarters, around 90% Quarters have already been allotted and that around 40 Government Staff, who were residing in the Tamil Nadu Housing Board Quarters under 174 Scheme, have already been allotted accommodation in 700 C Type Quarters of Public Works Department.

7. Thus, from the said Letter of the Right to Information Officer, it is clear that 90% of the 700 C Type PWD Quarters have been allotted. When the remaining 10% of the said PWD Quarters have not been allotted so far, there cannot be any impediment for the authorities concerned to provide alternative accommodation to the petitioners herein.

8. Heard Mr. A. Kumar, learned Special Government Pleader appearing for the respondents 1 to 4 as well as Mr. Anandamoorthy, learned Additional Government Pleader for the fifth respondent.

9. In such view of the matter, this Court directs the petitioners herein to make a fresh representation to the fourth respondent along with a copy of this order, seeking allotment of

housing quarters in their favour in 700 C Type P.W.D. Government Staff Quarters and on receipt of the same, the fourth respondent is directed to take into consideration the said representation and allot alternative accommodation to the petitioners in 700 C Type P.W.D Quarters in the light of the letter dated 03.03.2014 of the third respondent addressed to the fifth respondent and pass necessary orders on merits and in accordance with law, within a period of four weeks, thereafter.

10. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.No.897 of 2017 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To:

1. The Chief Secretary to Government,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.
2. The Addl. Chief Secretary - I to Chief Minister,
Chief Minister's Special Cell,
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Government of Tamil Nadu,
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5. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.

+2cc to M/S.Narmadha Sampath, Advocate Sr.4446
+1cc to the Government Pleader Sr.4933

W.P.No.904 of 2017

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