

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2017

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 1754 and 1755 of 2017
&
WMP NOS.1740 and 1741 of 2017
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V. Paramasivam ... Petitioner in WP No. 1754/2017

V. Venkatesan ... Petitioner in WP No. 1755/2017

Versus

1. The Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai - 600 009
2. The Principal Secretary to Government
Public Works Department
Secretariat
Chennai - 600 009
3. The Managing Director
Tamil Nadu Housing Board
Nandanam
Chennai - 600 035 ... Respondents in both the Petitions

Petitions filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the second respondent to allot a rental quarters in newly constructed 700 "C" type quarters owned by Public Works Department at Todhunter Nagar, Saidapet, Chennai - 600 015 in favour of the petitioner.

For Petitioner : Mr. M. Venkatachalapathy, Senior Advocate
for Mr. M. Sriram
in both the Writ Petitions

For Respondents: Mr. S. Rajeswaran
Special Government Pleader for RR1 and 2
in both the Writ Petitions

Mr. V. Anandamoorthy for R3
in both the Writ Petitions

COMMON ORDER

The petitioners, who are in occupation of the residential Quarters bearing Quarters No. RA-18 and LW-2 in Lloyds Colony, Royapettah, Chennai - 600 014, have come up with these writ petitions praying to direct the second respondent to allot a rental quarters in their favour in the newly constructed 700 "C" type quarters owned by Public Works Department at Todhunter Nagar, Saidapet, Chennai - 600 015.

2. The petitioners are working as Assistant Section Officer and Office Assistant in the office of the Registrar General, High Court, Madras. They have come up with these writ petitions by contending that they are residing in the residential Quarters bearing Quarters No. RA-18 and LW-2 in Lloyds Colony, Royapettah, Chennai - 600 014 along with their respective family. It is the case of the petitioners that the quarters which are in their occupation are in a dilapidated condition and even the Government has taken a policy decision to demolish and re-construct the government quarters which are in dilapidated conditions throughout the City. While taking such a decision, the Government has also decided to demolish the quarters which are in the occupation of the petitioners at Lloyds Colony, Chennai. Consequently, notices of demolition were issued to the petitioners and they were called upon to vacate and hand over the vacant possession of the residential quarters. It is the specific case of the petitioners that on 04.10.2013, a meeting was convened by the Honourable Committee for High Court Staff Quarters in which the Secretaries to the Government, officials of the Public Works Department and Tamil Nadu Housing Board have participated. It was resolved in the meeting that all the High Court Staff/allottees will be accommodated in the P.W.D. quarters constructed at Todhunter Nagar on completion of the project and till such time, the employees can continue their occupation in the existing quarters. Further, the Government also issued GO Ms. No.130, Public Works (H2) Department dated 22.07.2016 ordering that 15% of the residential quarters shall be allotted to the staff employed in High Court, Madras. In spite of such order passed by the Government, so far, the petitioners have not been given allotment of residential quarters. Therefore, the petitioners have come up with the present writ petitions praying to allot them residential quarters in the newly constructed 700 "C" type quarters owned by Public Works Department at Todhunter Nagar, Saidapet, Chennai - 600 015.

3. The learned Senior counsel appearing for the petitioners would contend that there are several residential

quarters remaining vacant in the 700 "C" type quarters owned by Public Works Department at Todhunter Nagar, Saidapet, Chennai - 600 015 in which the petitioners can very well be accommodated. According to the learned Senior counsel for the petitioners, the petitioners are sought to be dispossessed without providing alternative accommodation. In the absence of providing any alternative accommodation, the respondents are not justified in attempting to evict the petitioners and their family. The learned Senior counsel for the petitioner also brought to the notice of this Court that in identical circumstances, some of the staff working in the Madras High Court, with similar grievance, have filed WP No. 904 of 2017 and by order dated 24.01.2017, this Court issued a direction to the respondents therein to consider their claim for allotment of alternative accommodation in the 700 "C" type quarters owned by Public Works Department at Todhunter Nagar, Saidapet, Chennai - 600 015 and therefore, the same direction may be issued in favour of the petitioners as well. The learned Senior counsel for the petitioners would further contend that in the 700 C type Public Works Department Government Staff quarters, 90% quarters have already been allotted and there are few vacancies exist in which the petitioners, who are two in number, can very well be accommodated.

4. The learned Special Government Pleader appearing for the respondents, by placing reliance on the counter affidavits filed by the second respondent, would contend that allotment in the new residential quarters are being made as per the priority. The claim of the petitioners to get alternative accommodation will be considered depending upon their eligibility.

5. I heard the learned Senior counsel for the petitioners and the learned Special Government Pleader for the respondents 1 and 2 and the learned counsel for the third respondent. A residential quarters was constructed in Todhunter Nagar, Saidapet, Chennai - 600 015 which is called as 700 "C" type quarters owned by Public Works Department. The petitioners are in occupation of residential quarters at Llyods Colony, Chennai, which according to them are in a dilapidated condition and the Government has intended to demolish the same by taking a policy decision. The grievance of the petitioners is that they are working in the office of the Registrar General, High Court, Madras and in the meeting held on 04.10.2013, it was resolved to accommodate the Staff of the Madras High Court in the P.D.W. quarters to be constructed at Todhunter Nagar. Further, the Government also issued GO Ms. No.130, Public Works (H2) Department dated 22.07.2016 ordering that 15% of the residential quarters shall be allotted to the staff employed in High Court, Madras. According to the petitioners, on the one hand, the Government is intending to demolish the residential quarters in

their occupation and on the other hand refused to accommodate the petitioners in the newly constructed residential quarters at Tod Hunter Nagar, Saidapet, Chennai.

6. In identical circumstance, this Court passed an order dated 24.01.2017 in WP No. 904 of 2017 wherein it was held as follows:-

"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."

7. The case on hand is also identical with that of the order passed by this Court in WP No. 904 of 2017 mentioned above where the petitioners seek for allotment of residential quarters in 700 C Type P.W.D. Quarters at Tod Hunter Nagar, Saidapet, Chennai. Therefore, I am of the view that in the light of the earlier order dated 24.01.2017 passed in WP No. 904 of 2017, a similar direction can be issued in this writ petition also.

8. Accordingly, the writ petitions are disposed of directing the petitioners herein to submit a fresh representation to the second respondent herein 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 second 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 Secretary to Government, Housing and Urban Development Department addressed to the third respondent herein and pass necessary orders on merits and in accordance with law, within a period of eight weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai - 600 009
2. The Principal Secretary to Government
Public Works Department
Secretariat
Chennai - 600 009
3. The Managing Director
Tamil Nadu Housing Board
Nandanam
Chennai - 600 035

+6cc to M/S.M.Sriram, Advocate Sr.11502 & 11503
+2cc to M/S.V.Anandha Moorthy, Advocate Sr.11534
+1cc to the Government Pleader Sr.12138

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