

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN
&
THE HONOURABLE MR. JUSTICE P.VELMURUGAN, J.

Writ Appeal No.1657 of 2016
and C.M.P.No.20509 of 2016

Anna Nagar Club
rep. by its Secretary E.Ravichandran,
having office at FACT Pavilion,
W-97-A, Second Avenue,
Anna Nagar, Chennai-600 040. ... Petitioner/Appellant

Vs

The Executive Engineer and
Administrative Officer,
Anna Nagar Division,
Tamil nadu Housing Board,
Thirumangalam Shopping Complex,
Thirumangalam, Chennai-600 101.Respondent/Respondent

Appeal filed under Clause 15 of Letters Patent against the
order dated 23.11.2016 in W.M.P.No.34721 of 2016 in W.P.No.40742
of 2016 passed by this Court.

Prayer in W.M.P.No.34721 of 2016 in W.P.No.40742 of 2016:-

Writ petitions under Article 226 of the Constitution of
India praying that in the circumstances stated therein and in
the respective affidavits filed therewith, the High Court will
be pleased to issue Writ of Certiorarified mandamus stay all
further proceedings pursuant to the issuance of the proceedings
of the issuance of the proceedings of the respondent in
Letter.No.ANA.10/3653/88 dated 26.10.2016, pending disposal of
the Writ Petition No.40742 of 2016.

For Petitioner : Mr.J.Pothiraj

For Respondent : Mr.K.Venkataramani, AAG assisted by
Mr.V.Anandamurthy, SC (TNHB)

O R D E R

(Order of the Court was made by K.K.SASIDHARAN.J,)

This intra Court appeal is directed against the interim order dated 23.11.2016 in W.P.No.40742 of 2016, whereby and whereunder, the learned Single Judge protected the interest of the appellant during the currency of the writ petition by directing the Club to deposit a sum of Rs.15,00,000/- as per its undertaking on or before 31.12.2016 and to pay the monthly rent of Rs.20,000/- commencing from January 2017.

2. It is the contention of the appellant that the original rent fixed was only a sum of Rs.992/- per month and it was enhanced subsequently with retrospective effect.

3. The learned Additional Advocate General appearing for the Tamil Nadu Housing Board would contend that that the appellant tried his level best to drag on the proceedings. The appellant stalled the eviction proceedings by filing a Civil Suit in O.S.No.5483 of 1978. The Civil Suit was disposed of, by judgment and decree dated 19.02.1983. It was taken up before the first Appellate Court in A.S.No.350 of 1984 and the same was dismissed. It was confirmed in S.A.No.1422 of 1985. Even thereafter, the appellant failed to pay the rental arrears as determined by the Housing Board.

4. The appellant is a Club. The Tamil Nadu Housing Board allotted 7 grounds and 2,057 sq.ft. with a building having plinth area of 3,880 sq.ft. to the Club by proceedings dated 12.01.1971. The rent was fixed at a concessional rate, taking into account the objectives of the Club. The appellant is not even prepared to pay Rs.20,000/- per month, pursuant to the order dated 23.11.2016 passed by the learned Single Judge.

5. There is absolutely no merit in the contention taken by the appellant with regard to the direction given by the learned Single Judge for payment of rent @ Rs.20,000/- per month. The appellant is directed to pay the entire arrears of rent within a period of 15 days from today as indicated in the order dated 23.11.2016.

6. The Registry is directed to post the writ petition for 'final disposal' before the learned Single Judge as per roster during the first week of December 2017, in view of the fact that the appellant is in possession of a public property and the Club is dragging the matter under one pretext or the other without payment of rent.

7.The intra Court appeal is dismissed with cost quantified at Rs.20,000/-(Rupees Twenty Thousand only), which shall be paid to the Tamil Nadu Housing Board within a period of two weeks from today. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Engineer and
Administrative Officer,
Anna Nagar Division,
Tamil nadu Housing Board,
Thirumangalam Shopping Complex,
Thirumangalam, Chennai-600 101.
2. The Section Officer,
Writ Section, High Court, Madras
(for listing the matter)

+1cc to Mr.J.Pothiraj, Advocate, S.R.No.85188

+1cc to Mr.V.Anandamurthy, Advocate, S.R.No.85335

W.A.No.1657 of 2016

PPA(CO)
CS/05/12/17

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