

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.3239 of 2011
and M.P.No.1 of 2011

- 1.Krishnamurthy
- 2.Munusamy
- 3.Saker
- 4.Mani
- 5.Purusothaman
- 6.Selvi
- 7.Prabudass
- 8.Sivakumar
- 9.Subramani
- 10.Selangidinmary

... Petitioners

.Vs.

- 1.The State of Tamil Nadu
rep.by its Secretary to Government,
Tamil Nadu Housing Board,
Fort St.George, Secretariat,
Chennai 600 009.

- 2.The Manager,
Tamilnadu Housing Board,
No.331, Annasalai,
Chennai 600 000.

- 3.The Revenue Officer,
Tamilnadu Housing Board,
No.493, Annasalai, Nandanam,
Chennai 600 035.

.. Respondents

Prayer : Writ petition filed under Article 227 of the Constitution of India, praying for a writ of certiorari, calling for the records relating to the order No.m.th.gp.4.38191/10 dated 25.11.2010 passed by the 3rd respondent and quash the same.

For petitioners : No Appearance

For R1 : Mr.M.Karthikeyan
Addl.Govt.Pleader

For R2 & R3 : Mr.V.Anandhamoorthy

O R D E R

This writ petition has been filed to issue a writ of certiorari calling for the records relating to the order No.m.th.gp.4.38191/10 dated 25.11.2010 passed by the 3rd respondent and quash the same.

2. The petitioners were the respective allottees. The second respondent has allotted the flats to the petitioners under the rental basis. During the inspection of Apartments to ascertain the genuineness of occupation of the respective allottees, it was found that the petitioners sublet their flats. In view of the said violation of the terms and conditions of the Board, show cause notice was issued under Section 84(2) of the Tamil Nadu Housing Board Act 1961 to submit their explanation for violation of the allotment condition. The petitioners have given a representation to the second respondent dated 30.11.2010 and the same was not considered by the second respondent. But the third respondent has passed an eviction order dated 25.11.2010. Challenging the said eviction order, the petitioners have filed the present writ petition for quashing the above said proceedings.

3. The counter affidavit has been filed on behalf of the third respondent, in which he stated that the petitioners are working as attendants in the Institute of Mental Health Government of Tamil Nadu, Ayanavaram and were allotted the Government rental accommodation as detailed below:

SL.No	Name of the petitioner	Flat No.	Allotment Order No.	Present stage	Remarks
1.	V.Krishnamurthy	E2/13	Govt.Letter No.125/HB.3 (1)/2001-12 Dt.23.08.2001	Still occupying the flat.	Undertaking given by the Allottee to vacate the premises
2.	C.Munusamy	E1/6	Govt.Letter No.4225/HB.3 (1)/2006-1 Dt.20.03.2006	Vacated	-

SL.No	Name of the petitioner	Flat No.	Allotment Order No.	Present stage	Remarks
3.	Sekar	E5/9	Govt.Letter No.4225/HB.3 (1)/2006-1 Dt.12.12.2006	Vacated	-
4.	Mani	E2/10	Govt.Letter No.28088/HB.3 (1)/2005 Dt.20.12.2005	Vacated	-
5.	Purushothaman	E5/14	Govt.Lr.No.125/HB.3(1)/2001-12 Dt.23.08.2001	Vacated	-
6.	D.Selvi	E5/10	Govt.Lr.No.4225/HB.3(1)/2006-1 Dt.21.03.2006	Vacated	-
7.	E.Prabhudoss	E1/7	Govt.Lt.No.953/HB.3(1)/2003-23 Dt.20.06.2003	Physically vacated the flat. But not handed over the key.	-
8.	M.Sivakumar	E1/12	Govt.Lt.No.9085/HB.3(1)/2005-17 Dt.25.04.2005	Vacated	-
9.	R.Subramanian	E1/4	Govt.Lt.No.125/HB.3(1)/2001-19 Dt.22.10.2001	Vacated	-
10.	K.Selastinmaray	E6/6	Govt.Lt.No.4225/HHB.3(1)/2008-19 Dt.11.02.2008	Vacated	-

The third respondent further submitted that the Government has proposed to demolish and re-construct the flats at Ayanavaram due to dilapidated conditions of the flats vide G.O.Ms.No.21 Housing and Urban Development Department dated 29.01.2013. In fact, alternate accommodations were given to 77 eligible government servants, Thirumangalam and the details are also furnished in the counter affidavit. Therefore, the aforesaid claim made by the petitioners is liable to be dismissed.

4. The aforesaid counter affidavit disclosed that the petitioners are vacated from the allotted flats except the first and 7th petitioners and in the present counter also stated that the first petitioner has given an undertaking that he will vacate the premises and the 7th petitioner has vacated but not handed over the key. Originally, this Court has granted interim order and subsequently the said interim order was vacated.

5. A perusal of the records would go to show that the petitioners have given a representation to the first respondent but none of the petitioners made representation to the second respondent. The third respondent issued show cause notice under Section 84(2) of the Tamil Nadu Housing Board Act. The said show cause notice even though the petitioners given explanation, the same was rejected and the third respondent for the reason that the petitioners violated terms and conditions of the Tamil Nadu Housing Board Act, evicted the petitioners. Therefore, there is no reason to interfere with the impugned order and the writ petition deserves to be dismissed.

6. In view of the above, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

kkd

To

1.The Secretary to Government,
Tamil Nadu Housing Board,
Fort St.George, Secretariat,
Chennai 600 009.

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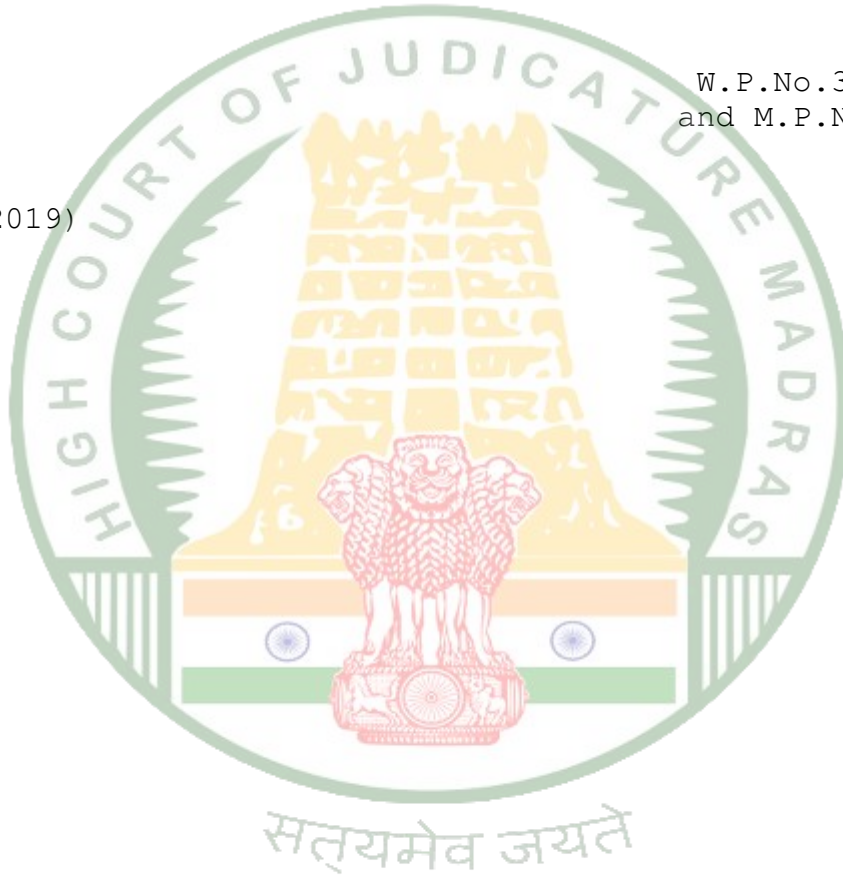
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3.The Revenue Officer,
Tamilnadu Housing Board,
No.493, Annasalai, Nandanam,
Chennai 600 035.

+lcc to Mr. V.Anandhamurthy Advocate, S.R.No. 80057
+lcc to the Government Pleader, S.R.No.80433

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SSI (CO)
GN(24/01/2019)



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