

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.8.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1875 of 2018

and

C.M.P.No.15018 of 2018

New Tower Block Tenants
Welfare Association
Rep. by its President
having office at New Tower Block
Ground Floor Nandanam.

Appellant

Versus

1 The State of Tamil Nadu
Rep. by its Principal Secretary to
Government
Housing and Urban Development
Department
Secretariat Chennai-600 009.

2 The Managing Director
Tamilnadu Housing Board
Anna Salai Nandanam
Chennai-600 035.

3 The Executive Engineer cum
Administrative Officer
Nandanam Division
Tamilnadu Housing Board
Chennai-600 035.

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 24.5.2018 passed in W.P.No.12847 of 2018 on the file of this court.

Petition under article 226 of the Constitution of India, seeking writ of certiorarified mandamus, Calling for the records impugned notice of the 3rd respondent and quash the same and further direct the 2nd and 3rd respondents to consider the representation of the petitioner dated 30.08.2017 and 31.08.2017 for alternative accommodation to the members of Petitioners Association

For appellant : Mr.M.Raja Sekhar

For respondents : Mr.S.R.Rajagopal,
Additional Advocate General assisted by
Mr.M.S.V.Anandhamoorthy

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and the learned Additional Advocate General on behalf of the respondents.

2. The issue involved is eviction of the appellant-tenants from the rental premises constructed by the respondents as it is decided on the part of the respondents for demolition of the same reconstruction of new buildings, as it is found that the present buildings are in a dilapidated condition.

3. It appears that the tenants had filed the writ petition for deferring the decision of the respondent-authorities in demolishing the buildings and provide for alternative accommodation. It further appears that the learned Single Judge, having appreciated the factual aspects and the condition of the building and the requirement for demolition of the same and also on some undertaking by the parties concerned, had extended the time limit for vacating the premises by the members of the appellant-association itself by the end of August 2018. Whiles, the present claim of the appellant-association that it is in middle of the academic year, they find it some difficulty in vacating the premises, cannot be entertained especially, when the building is found in a dilapidated condition requiring either demolition or major repair which would undoubtedly involve some risk. Therefore, the appellant cannot insist for their retention in the premises as a matter of right. However, to give some breathing time and to enable the tenants to find some alternative accommodation, the time for vacating the premises is extended upto the end of October 2018.

4. At this juncture, it is brought to the notice of the court that the appellant also seeks for some alternative accommodation in the event of their eviction from the present premises and it appears that they had already submitted their representation in this regard. If that is so, it is for the respondent-authorities concerned to look into the same independent of the issue of demolition and reconstruction, at their own discretion, within a period of two weeks from the date of receipt of a copy of this judgment.

5. The writ appeal is disposed of accordingly. No costs. the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

ssk.

To:

1 Principal Secretary to
Government Housing and Urban
Development Department
Secretariat Chennai-600 009.

2 The Managing Director
Tamilnadu Housing Board
Anna Salai Nandanam
Chennai-600 035.

3 The Executive Engineer cum
Administrative Officer
Nandanam Division
Tamilnadu Housing Board
Chennai-600 035.

+1cc to Mr.M. Rajasekhar, Advocate SR.No.58979

+1cc to Mr.V. Anandhamurthy, Advocate SR.No.58771

W.A.No.1875 of 2018

GMV (05/09/2018)