

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6.9.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.Nos.1923 and 1924 of 2018
and
C.M.P.No.15478 to 15480 of 2018

Latha Srinivasan Appellant in WA 1923/2018/ petitioner

Paul Ashok Appellant in WA 1924/2018/ petitioner

Versus

1 The Secretary to Government,
Housing and Urban Development
Department
Secretariat Fort. St. George,
Chennai-600 009.

2 The Managing Director
Tamilnadu Housing Board
493, Nandanam
Chennai-600 035.

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

Respondents

Prayer: Writ Appeals filed under Clause 15 of the Letters Patent against the order dated 5.6.2018 passed in W.P.Nos.12668 and 12669 of 2018 on the file of this court.

For appellants : Mr.M.Raja Sekhar

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

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorified Calling for records in letter No. NTR-11/2370/2016 on the file of the 3rd respondent dated 17.04.2018 and quash the same.

And

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorified Calling for records in letter No. NTR-11/2370/2016 on the file of the 3rd respondent dated 17.04.2018 and quash the same

COMMON JUDGMENT

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

Heard the learned counsel appearing for the appellants 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 appellants 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 appellants 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 appellants also seek 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 appeals are disposed of accordingly. No costs.
The connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Secretary to Government,
Housing and Urban Development
Department
Secretariat Fort. St. George,
Chennai-600 009.
- 2 The Managing Director
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Chennai-600 035.

+2cc to Mr.M.RAJA SEKAR, Advocate SR.No. 61578

+1cc to Mr.V.Anandamurthy , Advocate SR.No. 61590

W.A.Nos.1923 & 1924 of 2018

SR(CO)
ASK(10/09/2018)

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