

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.12666 to 12670 of 2018
&
W.M.P.Nos.14793 to 14797 of 2018

K.Rajendran ... Petitioner
in W.P.No.12666/2018

K.R.Naveneetha Krishnan ... Petitioner
in W.P.No.12667/2018

Latha Srinivasan ... Petitioner
in W.P.No.12668/2018

S.Paul Ashok ... Petitioner
in W.P.No.12669/2018

Mr.Ela Pugazhendhi ... Petitioner
in W.P.No.12670/2018

-vs-

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

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

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

... Respondents

W.P.No.12666 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari calling for records in letter No.NTR-11/2370/2016 on the file of the 3rd respondent dated 23.03.2018 and quash the same.

W.P.No.12667 of 2018 Writ Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari 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.

W.P.No.12668 of 2018 Writ Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari 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.

W.P.No.12669 of 2018 Writ Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari 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.

W.P.No.12670 of 2018 Writ Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari 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.

For Petitioners:: Mr.V.Udayakumar

For Respondents:: Mr.D.Suryanarayanan
Additional Govt. Pleader for R1
Mr.V.Andandhamurthy
Standing Counsel for R2 & R3

COMMON ORDER

These five writ petitions have been filed challenging the impugned proceedings dated 23.03.2018 and 17.04.2018 issued by the Executive Engineer-cum-Administrative Officer, Tamil Nadu Housing Board, Nandanam, the third respondent herein, under Section 84(5) of 1961 of Tamil Nadu Housing Board Rules to evict the petitioners from the premises occupied by them. On receipt of the same, the petitioners gave a representation to third respondent on 05.05.2018 and 14.05.2018.

2. Learned counsel for the petitioners submitted that the third respondent has collected maintenance charges from the occupants, but failed to maintain the building properly and now the New Tower Block building became old. He would further submit that Old Tower Block building was constructed in the year 1963, but because of regular and proper maintenance, the same appears to be new one, whereas the New Tower Block building seems to be in a bad condition. The building stability would have been good for more than 20 years, if the third respondent maintained the New Tower Block regularly and hence, the notice issued under Section 84(5) is baseless and the same is liable to be quashed with a direction to the respondents to maintain the New Tower Block Building. It is also stated that the petitioners, being tenants, paid the rent, water charges, electricity charges and maintenance charges regularly. At this stage issuing the notice, asking the petitioner to evict and hand over the building in question is totally untenable and bad in law.

3. Learned standing counsel appearing for the respondent submitted that the same arguments were advanced before this Court in W.P.No.12847 of 2018, the writ petition filed by the petitioner's Association, in which the petitioners are also members and as the stability of the building has been rightly brought to the notice of this Court saying that the building in question including the petitioners' building in Flat Nos.10F, 4F, 9F, 8A, 4D and other 55 flats are in a very bad condition, this Court finally dismissed the writ petition filed by the petitioners' Association and directed the petitioners to vacate the premises and hand over the vacant possession to the respondents on or before 30.08.2018, without fail, failing which the respondents were given liberty to evict the occupants with the help of police personnel from 31.08.2018. Moreover, this Court has also passed an order directing the similarly placed persons not to move any writ petition before this Court.

4. A perusal of the above said order shows that the issue in question has already been considered by this Court and was rejected. Hence, these writ petitions are liable to be dismissed.

Accordingly, these writ petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gpa

To

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Chennai - 600 035

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Administrative Officer
Nandanam Division
Tamil Nadu Housing Board
485, MTB Building
Nandanam, Chennai - 600 035.

+1cc to the Government Pleader Sr.35032

+5cc to Mr.V.Anandamurthy, Advocate Sr.34827

+4cc to Mr.V.Udayakumar, Advocate Sr.34915,34916,34917 and 34918

+1cc to Mr.V.Udayakumar, Advocate Sr.34919 [25/06/2018]

W.P.Nos.12666 to 12670 of 2018 &
W.M.P.Nos.14793 to 14797 of 2018

srg 14/06/2018

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