

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.12.2018

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THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.22950 of 2018

and

W.M.P.Nos.26844 & 26845 of 2018

P. Jayakumari

.. Petitioner

versus

1. The Principal Secretary to Government,
Housing & Urban Development (HB5(2) Department),
Secretariat,
Fort St. George, Chennai -9.
 2. Tamilnadu Housing Board,
Rep. By its Principal Secretary/Managing Director,
Nandanam,
Chennai - 600 035.
 3. The Executive Engineer cum Executive Officer,
Tamilnadu Housing Board,
C.I.T. Nagar, Division,
Chennai - 600 017.
- .. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the first respondent under G.O.Ms.No.21 dated 29.01.2013 together with the consequential notices issued to the petitioner by the third respondent under letter No.GRS3/13211/2018-29 (464-B-A09-606-B-B29) dated 05.06.2018 and quash the same.

For Petitioner : Mr.R.Ramanlaal
For R1 : Mr.V.Shanmugasundar
Special Government Pleader

For RR2 & 3 : Mr.V.Anandhamurthy,
Standing Counsel for TNHB

O R D E R

The petitioner has filed this writ petition to call for the records of the first respondent under G.O.Ms.No.21 dated 29.01.2013 together with the consequential notices issued to the petitioner by the third respondent under letter No.GRS3/13211/2018-29 (464-B-A09-606-B-B29) dated 05.06.2018 and quash the same.

2. The petitioner is a tenant and she is in occupation of the Government quarters allotted by the second respondent in A09, Tod-Hunter Nagar Division, Saidapet. There is a circular in G.O.Ms.No.21 dated 29.01.2013 and notice in Proceeding No.GRS3/13211/2018-29 (464-B-A09-606-B-B29) dated 05.06.2018 issued by the third respondent-Housing Board calling upon the petitioner to handover the vacant possession of the quarters within a period of thirty days. Hence, she is before this Court.

3. Heard R.Ramanlal, learned counsel appearing for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the first respondent and Mr.V.Anandhamurthy, learned Standing Counsel (TNHB) appearing for the respondents 2 & 3.

4. The petitioner was directed to vacate and hand over possession for the purpose of constructing multi level apartments to accommodate more number of government employees. Admittedly, the buildings are in dilapidated condition and require huge amount for even repairing. Though the petitioner has mentioned about her personal problems, such as, her daughter going to school in the same locality and her husband being a cancer patient taking treatment at Adyar Cancer Institute, the project being developed in the public interest, the same cannot be stalled for one person.

5. While issuing notice seeking to vacate the premises, the third respondent also had provided alternate accommodation in the newly constructed housing complex in Thirumangalam, Anna Nagar West Extension. Therefore, the petitioner cannot have any grievance as if she was straight away directed to vacate the premises without providing either time or alternate accommodation. In the Metropolitan City of Chennai every place is well connected with public transport. The grievance of the petitioner is unsustainable and her request for quashing the G.O.Ms.No.21 dated 29.01.2013, which is for public purpose cannot be countenanced.

6. With the above observations, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/--

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
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Tamilnadu Housing Board,
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+1cc to Mr.V.Anandhamurthy,, Advocate SR.No. 84235

+1cc to Mr.R.Ramanlal, Advocate SR.No. 84212

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A.SK(22/01/2019)

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