

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.05.2018

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

W.P.Nos.12820 & 12821 of 2018

and

W.M.P.Nos.15050 to 15052 of 2018

R.Prabhakaran ... Petitioner in WP.No.12820 of 2018
ENRP.Thangavelu ... Petitioner in WP.No.12821 of 2018

Vs.

- 1.Union Government of India,
Represented by the Secretary,
Ministry for Steel and Mines,
Udyog Bhavan, New Delhi - 110 107.
- 2.The Chairman
Steel Authority of India Limited,
Ispat Bhavan, Lodhi Road,
New Delhi - 110 103.
- 3.The Executive Director,
Salem Steel Plant/SAIL
Salem - 636 030.
- 4.The Assistant General Manager,
(T.A.) & CSR Salem Steel Plant/SAIL
Salem - 636 030. ... Respondents in both WPs

Prayer: Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for entire records relating to the impugned order dated 08.05.2018 in Ref:No.TA2(4) from the file of the 4th respondent and quash the same.

For Petitioners : Mr.V.Sekar

ORDER

The Petitioners have been superannuated from the service of the 3rd respondent/Salem Steel Plant/SAIL. The petitioners were allotted B type quarters at Mohan Nagar, Salem Steel Plant, Salem and they are residing the said quarters even after their retirement from service. The petitioners were paying the service

bills that includes towards rent, water charges, electricity charges etc. They have got the ration cards in the said address.

2.The 4th respondent has issued a notice to the petitioners under sub-section (1) and clause (b)(ii) of sub-Section(2) of Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, calling them for personal hearing on 17.03.2017 at 11.30 a.m. Again on 10.03.2017, another show cause notice was sent to the petitioners wherein it is stated that '.... no further time be permitted, as one time consideration, time is given to you till 24.03.2017 to submit show cause. "This is an one time extension and no further time shall be granted. Now, therefore, in pursuance of sub-section (1) of Section 4 of the Act, I hereby once again call upon you to show cause on or before 24.03.2017 why such an order of eviction should not be made and in pursuance of clause (b)(ii) of sub-section(2) of Section 4, I also call upon you to appear before me in person or through a duly authorised representative capable to answer all material questions connected with the matter along with the evidence which you intend to produce in support of the cause shown on 31.03.2017 at 11 AM for personal hearing. In case, you fail to appear on the said date and time, the case will be decided exparte'.

3.The petitioners have sent a detailed reply to the 4th respondent requesting him not to take any action under the provision of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and permitting them to continue as Lessors in the said quarters. Moreover, the petitioners sent a detailed representation by registered post to the Union Minister and the respondents 1 to 3. The 4th respondent sent a reply to the petitioners stating that the SAIL has no such scheme for leasing of houses of the company and therefore, the request of the petitioners cannot be considered. However, the 4th respondent has passed an impugned order dated 08.05.2018 directing the petitioners to vacate the quarters on or before 15.05.2018 without fail and hand over the same to the Town Administration Department, failing which, eviction proceedings will commence and necessary action will be taken under sub-section (1) and Clause (b)(ii) of sub-section(2) of Section 4 of the Public Premises (Eviction of Unauthorized Occupations) Act, 1971.

4.It is seen from the records, the petitioners have been superannuated from the services of the Salem Steel Plant and the Company has sent a notice as per the prevailing rules of the Company to vacate the quarters and at the request of the petitioners and on humanitarian grounds, they were permitted to stay there. Thereafter, show cause notices were issued to the petitioners to personally appear before the Estate Officer, but they did not appear before the said Officer and therefore, the impugned order was passed directing the petitioners to vacate the premises.

5.In view of the above, the petitioners are directed to vacate the said premises within a period of three months from the date of receipt of a copy of this order and no further time shall be granted to the petitioners and the respondents are at liberty to vacate the petitioners with the help of police.

6.With the above direction, the Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Sgl

To

1.Union Government of India,
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2.The Chairman
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3.The Executive Director,
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4.The Assistant General Manager,
(T.A.) & CSR Salem Steel Plant/SAIL
Salem - 636 030.

+2 ccs to Mr.V.Sekar Advocate sr 34019 & 34020

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