

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2018

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.12847 of 2018

And

W.M.P.Nos.15097 and 15098 of 2018

New Tower Block Tenants Welfare Association,
rep.by its President,
Having Office at
New Tower Block, Ground Floor,
Nandanam.

.... Petitioner

Vs.

1. The State of Tamilnadu
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

Writ Petition filed 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 Petitioner's Association.

For Petitioner : Mr.M.Raja Sekhar

For R1 : Mrs.P.Rosekamalam,
Government Advocate

For R2 & R3 : Mr.V.Anandamurthy,
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking issuance of Writ of Certiorari Mandamus calling for the records of the impugned notice of the third respondent and to quash the same and further direct the respondents 2 and 3 to consider the representations of the petitioner dated 30.08.2017 and 31.08.2017 for alternative accommodation to the members of Petitioner Association.

2.The residents who are residing in New Tower Block as tenants have preferred this writ petition. It is the case of the New Tower Block Tenants Welfare Association/ petitioner that the respondents had constructed residential apartments on rental basis and the members of the petitioner are tenants in the said apartments. It is their further case that the houses are not maintained properly by the respondents even though they collect a huge amount as maintenance fee.

3.The petitioner would further submit that now the Anna University had been authorized by the respondents to find out the stability of the building and the said request has been considered by the Technical Team of the Anna University, Engineers Block and they found that after retrofitting of the building the predicted life will be of 10 years. The respondents have affixed a public notice on 08.05.2018 calling upon the members of the petitioner association to vacate the building. There were nearly 62 tenants occupying the premises and some of them have vacated and there are more than forty families residing in the property at present and the respondents are taking law in their own hands and trying to dispossess the members of the petitioner association. In this regard, the petitioner has given representations dated 30.08.2017 and 31.08.2017 and the same were also forwarded to the second respondent by the first respondent. However, without considering the same the impugned notice has been affixed by the third respondent. Hence, the petitioner has filed this writ petition.

4.Heard the arguments advanced on either side.

5.The list of flats as given by the respondents is extracted hereunder for useful reference:

S.No .	Flats occupied	Flats taken over	Flats in door locked condition
1	1A	2A	1D
2	1B	2F	1F
3	1C	3F	2B

S.No .	Flats occupied	Flats taken over	Flats in door locked condition
4	1E	4C	2C
5	3A	5C	2D
6	4E	5D	2E
7	5B	5E	3B
8	5F	6A	3C
9	6B	6C	3D
10	6F	6D	3E
11	7B	7A	4A
12	8D	7E	4B
13	8F	7F	4D
14	9B	8B	4F
15	9C	8E	5A
16	9D	9A	6E
17	9E		7C
18	9F		7D
19	10C		8A
20	10D		8C
21	10F		10A
22			10B
23			10E
	Total number of flats taken over		16
	Total number of flats under door locked in condition		23
	Total number of flats presently occupied		21
	Total		60

6.The contention of the petitioner Association is that its members have no other alternative accommodation. This contention cannot be accepted since the building has to be demolished and reconstructed and several notices were issued by the respondents to the petitioner association calling upon its members to vacate the premises.

7.Now, the learned counsel appearing for the petitioner confined the prayer and prayed this Court that the petitioner may be given some more time to vacate the premises.

8. In view of the request now made by the learned counsel appearing for the petitioner, this Court is of the view that three months time would be sufficient for the members of the petitioner Association to vacate the premises and hand over the same to the respondents for the purpose of demolishing the same and for re-construction.

9. It is also represented by the learned counsel for the petitioner that six persons of the petitioner Association are not ready to accept the decision of the petitioner Association and they have also filed writ petitions. Hence, barring them all the other members of the petitioner Association are submitting to this order which is a consent order.

10. Since the relief of affording alternative accommodation cannot be accepted, the members of the petitioner Association are directed to vacate the premises and hand over the vacant possession to the respondents on or before 30.08.2018 without fail, failing which, on 31.08.2018, the respondents are liberty to evict them with the help of Police personnel. To put an end to this issue, this Court directs that no member of the petitioner Association can initiate any further writ petition before this Court, regarding this issue.

11. The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

klt/pri/jvm

Sd/-

Assistant Registrar/

Vacation Officer

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The State of Tamilnadu
Rep. by its Principal Secretary to Government,
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2. The Managing Director,
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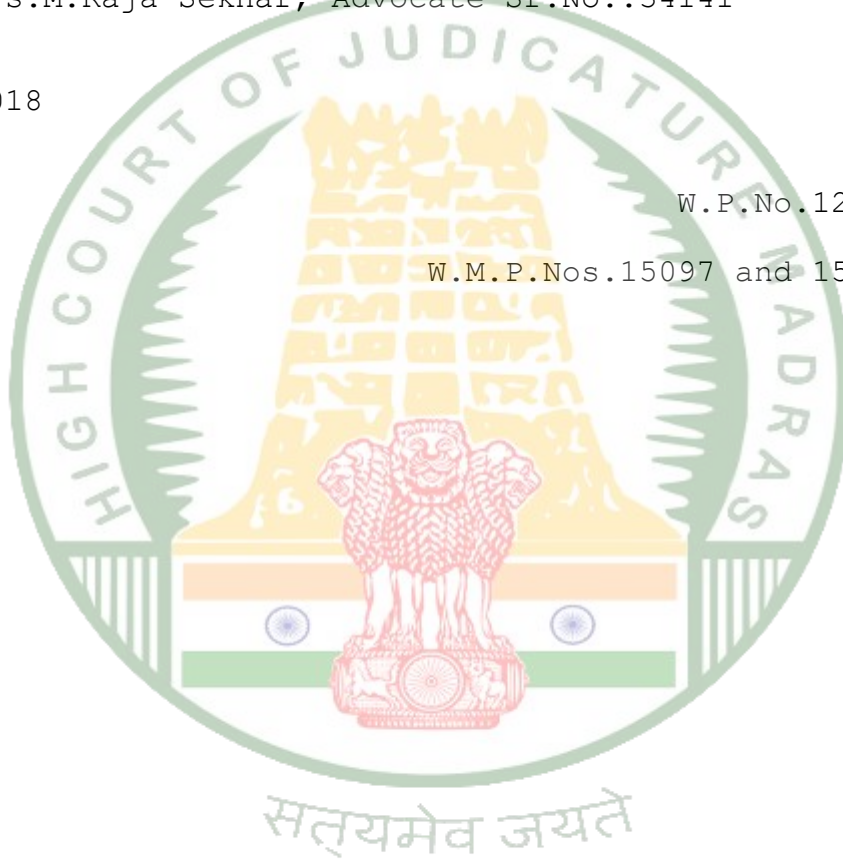
+1cc to M/s.V.Anandhamurthy, Advocate Sr.No.34133

+1cc to M/s.M.Raja Sekhar, Advocate Sr.No..34141

PPA(CO)
sm:30.5.2018

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