

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.18320 to 18324 of 2018
and W.M.P.Nos.21729 and 21633 to 21641 of 2018

Ramalakshmi Nagarajan
W/o.Mr.Nagarajan.

.. Petitioner in
W.P.No.18320/2018

Mr.P.Ravisankar
S/o.Mr.Parameswaran

.. Petitioner in
W.P.No.18321/2018

Mr.S.Viswanathan
S/o.Mr.M.Subramani

.. Petitioner in
W.P.No.18322/2018

Mr.K.Mathialagan
S/o.Mr.S.Kannan

.. Petitioner in
W.P.No.18323/2018

Mrs.Kaladevi
W/o.Late Azhagiri

.. Petitioner in
W.P.No.18324/2018

-vs-

- 1.State of Tamil Nadu, Rep. by
The Secretary to Government
Housing and Urban Development
Secretariat, Fort St. George
Chennai - 600 009.
- 2.Tamil Nadu Housing Board
Rep. by its Chairman and Managing Director
No.331, Anna Salai, Nandanam
Chennai - 600 035.
- 3.The Authorised Officer/Chief Revenue Officer
Tamil Nadu Housing Board
331, Anna Salai, Nandanam
Chennai - 600 035.
- 4.The Executive Engineer/Executive Officer
Tamil Nadu Housing Board
Anna Nagar Division, Tirumangalam
Chennai - 600 101.

5.The Inspector of Police
Law and order
T.P.Chatiram Police Station
Chennai - 600 010.

.. Respondents

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents 1-4 from evicting the petitioners from Flat Nos.Q-4-96, Q-3-96, B-3-96, R-5-96 and M-2-96 respectively Tamil Nadu Government Rental Housing Scheme, Kilapuk Garden Colony, Chennai 600 010 and consequently direct respondents 1-4 to provide alternate accommodation for the petitioners, based on the representation dated 28.06.2018 and pass such further or other orders.

For Petitioner :: Mr.M.Vijay Anand
(In all W.Ps')
For Respondents :: Mr.V.Jayaprakash Narayanan
(In all W.Ps') Spl. Govt. Pleader [R1 & R5]

Mr.S.R.Rajagopal,
Addl. Advocate General
Assisted by
Mr.V.Anandhamoorthy
Standing Counsel [R2 to R4]

COMMON ORDER

The Petitioners were allotted Flat Nos.Q-4-96, Q-3-96, B-3-96, R-5-96 and M-2-96, respectively, at Tamil Nadu Government Rental Housing Scheme, Kilapuk Garden Colony, Chennai 600 010, measuring 624 sq. ft., under public quota, by the first respondent on payment of rent. Since the respondents have taken a decision to demolish the same for the purpose of reconstruction, the petitioners were directed to vacate and handover the flats. As they were not allotted with alternative accommodations, they came forward to file these writ petitions.

2. When these matters were listed on 27.07.2018, this Court, after hearing the parties, passed the following order:

"Mr.S.Rajagopal, learned Additional Advocate General produced a Tabulation details indicating that K.Thavamani (PQ) and A.Kaladevi are widows coming under public quota. Hence, they were issued with allotment order on 02.02.2011 and 12.09.2009 respectively. They are not given alternative accommodation and they cannot be considered for alternative accommodation since they are widows.

2.This Court is unable to agree with the

explanation given by the learned Additional Advocate General for the reason that the case of these two widows were already considered and accepting their claim that they are entitled to get accommodation in the Government Quarters, they cannot be evicted without providing with alternative accommodation as it has been done in the case of other Government Servants.

3. Since the present accommodation of these two widows are going to be demolished for reconstruction, they should also be given alternative accommodation. Hence, the learned Additional Advocate General is directed to bring the alternative flats for these two widows so that they can be directed to vacate and hand over vacant possession.

4. Post on 31.07.2018 in the same position."

3. Pursuant to the said order, Mr.S.R.Rajagopal, learned Additional Advocate General counsel appearing for respondents 2 to 4 submitted that the petitioner in W.P.No.18324 of 2018 has been issued with alternative flat at Padikuppam. He has also produced a proceeding of the first respondent dated 03.08.2018, in which it is stated that along with the petitioner in W.P.No.18324 of 2018 i.e., Tmt.A.Kaladevi, one another widow lady viz., Tmt.K.Thavamani, who is coming under public quota, has also been issued with the allotment order.

4. With regard to other allottees i.e, petitioners in W.P.Nos.18320 to 18323 of 2018, the Government have taken a policy decision to scrap the allotment already given to them under public quota. In that view of the matter, they are not eligible to get any allotment order.

5. Since the petitioners have submitted their representations, the respondents 1 to 4 are directed to consider the same and pass orders on merits and in accordance with law within a week's time. As regards the petitioner in W.P.No.18324 of 2018 viz., Tmt.A.Kaladevi, who has been issued with alternative accommodation at Padikuppam, the said writ petition is closed.

6. With the above directions, W.P.No.18320 to 18323 of 2018 are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

sd/-

Deputy Registrar(CS)

//True copy//

Sub Assistant Registrar

vsm

To

1.The Secretary

Government of Tamil Nadu
Housing and Urban Development
Secretariat, Fort St. George
Chennai - 600 009.

2.The Chairman and Managing Director

Tamil Nadu Housing Board
No.331, Anna Salai, Nandanam
Chennai - 600 035.

3.The Authorised Officer/Chief Revenue Officer

Tamil Nadu Housing Board
331, Anna Salai, Nandanam
Chennai - 600 035.

4.The Executive Engineer/Executive Officer

Tamil Nadu Housing Board
Anna Nagar Division, Tirumangalam
Chennai - 600 101.

5.The Inspector of Police

Law and order
T.P.Chatiram Police Station
Chennai - 600 010.

+4cc's to Mr.M.Vijay Anand, Advocate SR.No.53728, 53729, 53701 & 53700

+5cc's to Mr.V.Anandha Murthy, Advocate SR.No.53755

+1cc to Government Pleader SR.No.54041

सत्यमेव जयते

W.P.Nos.18320 to 18324 of 2018

GN(13/08/2018)

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