

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2018

CORAM:

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No.27495 of 2006 and
M.P.Nos.1 of 2015 and 1 of 2006

1. K. Renuka Devi (Deceased)

2. Miss.Jayaroobini

P2 Substituted as LRs of Deceased P1 K.Renuka,
as per order dated 14.11.2017 in M.P.No.1 of 2015
in W.P.No.27495 of 2006).

... Petitioners

/Vs/

1. Tamil Nadu Housing Board,
represented by its Managing Director,
Tamil Nadu Housing Board Building,
Nandanam, Chennai-35.

2. The Executive Engineer and Administrative Officer,
Coimbatore Housing Unit,
Tamil Nadu Housing Board Building,
Tatabad, Coimbatore-12.

3. The Deputy Director,
Internal Audit,
Local Fund Audit Department,
Coimbatore Corporation Audit,
Coimbatore - 641 001.

4. The Assistant Executive Engineer,
Housing Board,
Race Course,
Coimbatore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, to issue a Writ of Certiorarified
Mandamus to call for the entire records of the second respondent
in respect of his proceedings in his Letter A.19/5893/93, dated

19.07.2006 and received by the petitioner on 08.08.2006 for evicting the petitioner and for recovery of the penalty amount of Rs.3,21,030/- and to quash the same and consequently forbearing the respondents from in any way either recovering alleged penalty amount of Rs.3,21,030/- or disturbing the peaceful possession and enjoyment of the property situated in Flat No.1/53, Thomas Park, Race Course Housing Unit, Tamil Nadu Government Staffs Rental Quarters, Coimbatore - 18.

For Petitioners : M/s. Rajnish Pathiyil

For Respondents : Mr.D. Nandha Kumar
Standing Counsel for TNHB

* * * * *
O R D E R

The petitioner has filed this writ petition challenging the impugned order of recovery passed by the second respondent in Lr.No.A19/5893/1993, dated 19.07.2006, wherein, eviction order was passed against the writ petitioner and recovery of penalty amount of Rs.3,21,000/-.

2. The case of the petitioner is that the 2nd petitioner's mother K.Renuka Devi, was an employee of Local Fund Audit, Coimbatore Corporation Audit, Coimbatore and she married and out of the wedlock she was blessed with two daughters. Her husband died in August, 1996. When she was an employment, a flat was allotted by the Tamil Nadu Housing Board Unit, Coimbatore, on a rental basis under the Tamil Nadu Government Rental Housing Scheme (TNGRHS) also known as "C" type flat. The rent was directly deducted from her salary.

3. While such being the position, her husband died on 13.08.1996. Thereby, the petitioner's family became totally dislocated and the petitioner's mother along with the present petitioners were put to severe hardship.

4. However, the rent was directly deducted from the salary of the petitioner's mother by the Local Fund Audit Department, Coimbatore. On 07.10.2003, the impugned notice was issued to the petitioner that there was shortage in deduction for the period from June, 1995 to December, 2002 to the tune of Rs.53,638/- and order of recovery was also passed by the communication dated 07.10.2003. Thereafter, the Tamil Nadu Housing Board sent a communication to the Police Department, dated 23.02.2004, wherein, the Tamil Nadu Housing Board Department sought the help of police for the forceful eviction from the flat. Aggrieved by the same, the present writ petition has been filed.

5. However, the learned counsel appearing for the second respondent/Tamil Nadu Housing Board produced a copy of the letter, No.R5/5895/93, dated 23.02.2004, wherein, it is stated that the petitioner, who is the daughter of the deceased viz., K.Renuka Devi handed over the keys to the Tamil Nadu Housing Board Authority and also informed that her mother K. Renuka Devi passed away on 18.12.2013. Subsequently, the flat was taken possession by the Tamil Nadu Housing Board Authority.

6. In view of the above, nothing survives for further adjudication in this writ petition. The interim injunction already granted by this Court, on 23.08.2006 is made absolute, restraining the respondents to recover the said amount from the daughters of the deceased K. Renuka Devi, since K. Renuka Devi passed away on 18.12.2013.

7. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Copy to:

1. Tamil Nadu Housing Board,
represented by its Managing Director,
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Nandanam, Chennai-35.
2. The Executive Engineer and Administrative Officer,
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Housing Board,
Race Course,
Coimbatore.

+1cc to M/s. Rajnish Pathiyil, Advocate sr.no.29603

W.P.No.27495 of 2006

sr(co)
nr 12/06/2018



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