

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.11.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.29434 of 2018 and
W.M.P.No.34404 of 2018

K.Santhosh Kumar

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai 15

2. The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam,
Chennai 600 101

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records in respect of the order Ka.No.A.No.10/62421/1980 dated 09.02.2018 issued by the second respondent and to quash the same.

For Petitioner : Mr.N.A.Kareem

For Respondents 1 to 5 : Mr.V.Anandhamurthy
Standing Counsel for TNHB

O R D E R

By consent of both parties, the writ petition itself is taken up for final disposal at the admission stage.

2. The petitioner has filed this Writ Petition challenging the order dated 09.02.2018 in Ka.No.A.No.A10/62421/1980 on the file of the second respondent.

3. The petitioner is one of the lessees in Door No.6, 14 Shops, Anna Nagar East, Chennai 600 040 and running a beauty saloon. It is stated that he is running the said business for more than 20 years. While so, the respondents wanted to

demolish the existing construction and put up a new commercial complex suitable to accommodate many more tenants. Therefore, the impugned order dated 09.02.2018 was issued by the respondents. It is also stated that an appeal has been preferred before the Government in March 2018, but no copy of the appeal has been filed in the typed set of papers. It is also stated that the said appeal has not yet been disposed of.

4. Learned counsel appearing for the respondent-Housing Board contended that the petitioner cannot have any indulgence from this Court, as he is not an occupant and he has sublet his premises to a third party. It is also stated that the petitioner has not remitted his rent, though it is denied by the learned counsel for the petitioner that it is only the respondents, who have refused to receive the same.

5. Now, the contention of the learned counsel for the petitioner is that he has been in occupation of the place for decades in the said premises and suddenly, asking him to relocate to another place is very difficult. Therefore, he only seeks sufficient time to shift to different place.

6. Though the learned counsel appearing for the respondent-Housing Board is willing to grant only two months to vacate the premises, this Court is inclined to grant four months time for the petitioner to vacate the premises. However, the learned counsel for the petitioner requested at least six months time to vacate the premises and he also undertakes not to seek for any further extension.

7. Recording the said undertaking that the petitioner would not seek further extension of time to vacate the premises, this Court directs the petitioner to vacate the petition mentioned premises and surrender the possession to the respondents within a period of six months from the date of receipt of a copy of this order.

8. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Srn

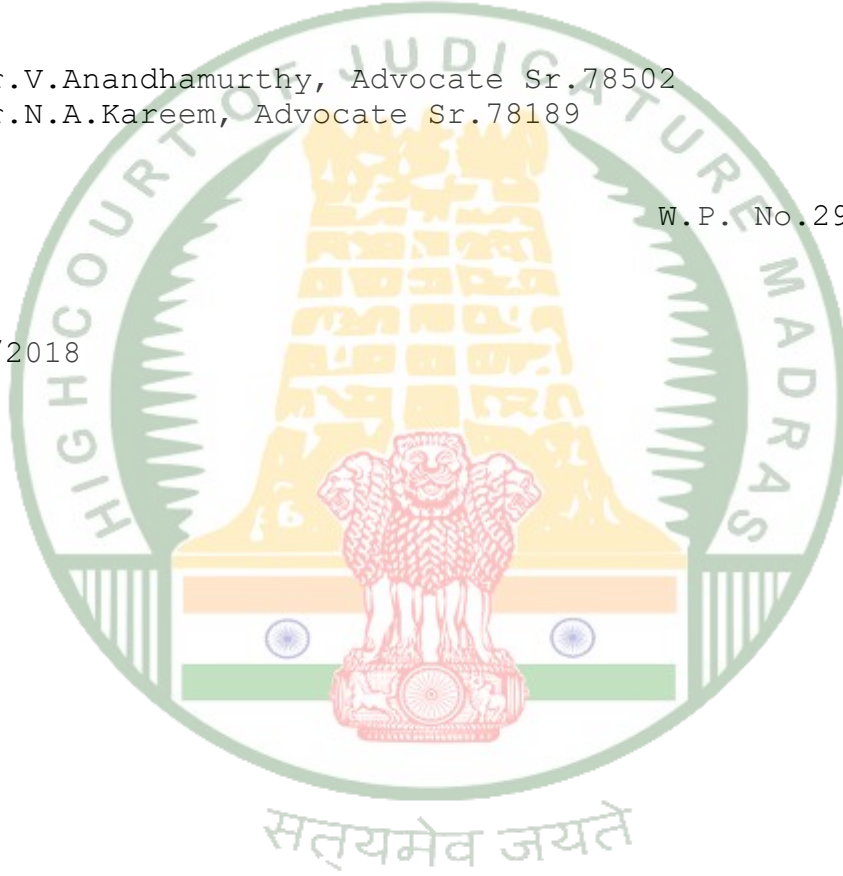
To

1. The Managing Director,
Tamil Nadu Housing Board, Nandanam, Chennai 15
2. The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam, Chennai 600 101.

+1cc to Mr.V.Anandhamurthy, Advocate Sr.78502
+1cc to Mr.N.A.Kareem, Advocate Sr.78189

W.P. No.29434 of 2018

ssv[col]
srg 21/12/2018



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