

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.10.2018
CORAM
THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.25943 of 2018

S.Sivayogam .. Petitioner

Vs

1.The Principal Secretary to
Government Housing and
Urban Development,
(HB5 (2)) Department,
Chennai-600 009.

2.Tamil Nadu Housing Board
rep. by its Principal Secretary/
Managing Director,
Nandanam, Chennai-600 035.

3.The Executive Engineer/
Executive Officer,
Tamil Nadu Housing Board,
CIT Nagar Division,
Chennai-600 017. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in respect of G.O. Ms. No.21 Housing/ Urban Development (HB5(2)) Department dated 29.01.2013 together with consequential notice issued to the petitioner by the third respondent in letter No.GRB3/13211/2018-1 (48-D-Q.1-606-D-D1) dated 05.06.2018 and to quash the same and forbear the respondents from evicting the petitioner from existing allotment.

For Petitioner : Mr.Jayapal Rajan

For Respondents : Mr.J.Ramesh for R1
Mr.V.Andhamurthy for R2 and R3

ORDER

The petitioner has come up with this writ petition challenging the impugned letter No.GRB3/13211/2018-1 dated 05.06.2018 issued by the third respondent whereby the petitioner was directed to hand over the vacant possession within a period of thirty days on the basis of the G.O. Ms. No.21, Housing and Urban Development (HB5-2) Department dated 29.01.2013 demolishing 2238 old flats coming under the Tamil Nadu Government Servants Rental Housing Scheme.

2.Today when the matter is taken up for hearing, the learned counsel for the petitioner, the learned

Additional Government Pleader appearing for the first respondent as well as the learned Standing Counsel appearing for the respondents 2 and 3 jointly submitted that the issue involved herein is covered by the order wherein this Court by order dated 28.09.2018 in W.P. Nos.13846 of 2018 etc. batch considered the issue in detail and ultimately dismissed the writ petitions. The Operative portions of the order reads as follows:

'12. All the petitioners are the allottees of government quarters in Thodunther Nagar and Llyods Colony. On the ground that they are serving government employees, while moving the demand for Housing and Urban Development Department for the year 2012-13 on the floor of the Assembly that 2238 old flats under the Tamil Nadu Government Servants Rental Housing Scheme at 17 places in Chennai would be demolished and 4691 new flats would be constructed in a phased manner at an estimated cost of Rs.679.30 crores, the Government, accepting the proposal/request sent by the Managing Director of Tamil Nadu Housing Board that several rental quarters constructed from 1963 and allotted to the government servants on rental basis were all old and in dilapidated condition due to over ageing and consequently these buildings required repairs and huge amount has been spent towards special repairs to these buildings periodically and moreover, the said Tamil Nadu Government Rental Housing Scheme in prime area of Chennai city were developed with lesser FSI than the permissible FSI under the Development Control Regulations covering Chennai Metropolitan area and upon redevelopment, higher FSI is going to be adopted and better facilities and amenities are going to be provided, issued the G.O.Ms.No.21 dated 29.1.2013 ordering the construction of 2522 units under TNGRHS and 1770 units under SFS in Phase-I and 1124 units under TNGRHS and 838 units under SFS in Phase-II (overall 6254 units) in Chennai at an approximate estimated cost of Rs.1740 crores with an understanding that the profit realised can be shared in the ratio of 9:1 between the Government and the Housing Board. When the project of reconstruction is aimed to accommodate more number of persons who are in the waiting list, this Court is unable to find any justification on the part of the petitioners to oppose the demolition of old buildings for the purpose of reconstruction with more number of flats and more number of amenities/facilities including more FSI.

13. Secondly, when the government servants have been provided with alternative accommodation and most of them have also taken physical possession of the flats and residing in the alternative accommodation in Tirumangalam, I feel that the lame excuse given by the petitioners who are before this Court that their children are going to school and therefore they would be put to grave problem is wholly frivolous and baseless. When the Government comes forward to demolish the old buildings with a view to reconstruct more number of flats with more facilities, the petitioners/government servants have no locus standi to come to this Court. As the project is ready for implementation only at the stage of issuance of tender notification with a condition to the tenderers that the project should be completed within a period of 12 months from the date of issuance of the work order, there cannot be any more delay for the said project to take shape. Moreover, when the petitioners were also given alternative accommodation in Tirumangalam, which is also in the same city, with a further option either to come back to the newly constructed place after completion of the project or to stay back in Tirumangalam if they are willing, looking at the case of the petitioners in any manner and in any angle, this Court is not able to find any merit in their grievance.

14. For all the aforementioned reasons, all the writ petitions fail and they are, accordingly, dismissed.'

3.Following the said decision, this writ petition stands dismissed. No costs.

04.10.2018

Index: Yes/No

vga

To

1. State of Tamil Nadu
Rep. by the Secretary to Government
Housing and Urban Development
HB5-2 Department
Secretariat, Fort.St.George
Chennai 600 009
2. Tamil Nadu Housing Board
Rep. by its Managing Director
Nandanam Division
Anna Salai, Nandanam
Chennai 600 035
3. The Executive Engineer/Administrative Officer
Housing and Urban Development Department
Nandanam Division
No.485 MDP Building
Nandanam, Chennai 600 035
R.MAHADEVAN, J.

vga

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