

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2018

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.26780 of 2018

and

W.M.P.Nos.31127 and 31130 of 2018

M.Sethurajan

.. Petitioner

Vs

1.The Principal Secretary,
Department of Housing & Urban,
Development (HB5(2)),
Government of Tamil Nadu,
St.George Fort, Chennai - 600 009.

2.Executive Engineer/Executive Officer,
CIT Nagar Reconstruction Division,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.

.. 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 pertaining to the order Letter No.CIT Na Ko/662/17, dated 20.09.2018 of the 2nd respondent, quash the same and consequently direct the respondent not to disturb the allotment granted earlier to the petitioner for the quarters No.AN-03, Thod Hunter Nagar, Saidapet, Chennai - 15.

For Petitioner : Mr.S.T.Varadarajulu

For Respondents : Mr.V.Anandhamurthy
Standing Counsel

ORDER

The petitioner has come up with this writ petition challenging the impugned letter dated 20.09.2018 made in letter No.CIT Na Ko/662/17, issued by the second respondent, wherein and whereby the petitioner was directed to hand over the vacant possession on the basis of the G.O. Ms. No.21, Housing and Urban Development (HB5-2) Department dated 29.01.2013, for 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 as well as the learned Standing Counsel appearing for the respondents 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. Consequently, connected W.M.Ps are closed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary,
Department of Housing & Urban,
Development (HB5(2)),
Government of Tamil Nadu,
St.George Fort, Chennai - 600 009.

2.Executive Engineer/Executive Officer,
CIT Nagar Reconstruction Division,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.

+1cc to Mr.V.Anandha Murthy, Advocate, S.R.No.70829
+1cc to the Government Pleader, S.R.No.71064

W.P.No.26780 of 2018

and

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SS(CO)

rrs 20/11/2018