

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.27148 of 2018

and

W.M.P.Nos.31550 & 31565 of 2018

A. Periya Nayagi Sarala ... Petitioner

versus

1. The Principal Secretary to Government,
Housing & Urban Development (HB5(2) Department),
Secretariat,
St. Fort George, Chennai -9.
2. Tamilnadu Housing Board,
Rep. By its Principal Secretary/Managing Director,
Nandanam,
Chennai - 600 035.
3. The Executive Engineer cum Executive Officer,
Tamilnadu Housing Board,
C.I.T. Nagar, Division,
Chennai - 600 017. ... Respondents

PRAYER : Writ Petitions 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 under G.O.Ms.No.21 dated 29.01.2013 and the consequential notice issued to me by the third respondent vides Letter No.GRS3/13211/2018-76 (464-C-AL2-606-C-C76) dated 05.06.2018 and quash the same and consequently forbearing the respondents from disturbing the petitioner's possession of the Quarters in AL2, Tod-Hunter Nagar, Saidapet, Chennai.

For Petitioner : Mr.I.C.Vasudevan

For R1 : Mr.V.Shanmugasundar
Special Government Pleader

For RR2 & 3 : Mr.V.Anandhamurthy,
Standing Counsel for TNHB

O R D E R

Today, this case is listed under the caption 'for withdrawal'.

2. The petitioner has filed this writ petition seeking to quash the order of the first respondent in G.O.Ms.No.21 dated 29.01.2013 and the consequential notice issued by the third respondent vide Letter No.GRS3/13211/2018-76 (464-C-AL2-606-C-C76) dated 05.06.2018 and consequently to forbear the respondents from disturbing the petitioner's possession of the Quarters in AL2, Tod-Hunter Nagar, Saidapet, Chennai.

3. The petitioner is a tenant and she is in occupation of the Government quarters allotted by the second respondent in AL2, Tod-Hunter Nagar Division, Saidapet. There is a circular in G.O.Ms.No.21 dated 29.01.2013 and notice in Proceeding No.GRS3/13211/2018-76 (464-C-AL2-606-C-C76) dated 05.06.2018 issued by the third respondent-Housing Board calling upon the petitioner to handover the vacant possession of the quarters within a period of thirty days. Hence, she is before this Court.

4. Heard Mr.I.C.Vasudevan, learned counsel appearing for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the first respondent and Mr.V.Anandhamurthy, learned Standing Counsel (TNHB) appearing for the respondents 2 & 3.

5. The petitioner was directed to vacate and hand over possession for the purpose of constructing multi level apartments to accommodate more number of government employees. Admittedly, the buildings are in dilapidated condition and require huge amount for even repairing. Though the petitioner has mentioned about her personal problems, such as, her daughter going to school in the same locality and her husband being a heart patient taking treatment at a nearby hospital, the project being developed in the public interest, the same cannot be stalled for one person.

6. While issuing notice seeking to vacate the premises, the third respondent also had provided alternate accommodation in the newly constructed housing complex in Thirumangalam, Anna Nagar West Extension. Therefore, the petitioner cannot have any grievance as if she was straight away directed to vacate the premises without providing either time or alternate accommodation. In the Metropolitan City of Chennai every place is well connected with public transport. The grievance of the

petitioner is unsustainable and her request for quashing the G.O.Ms.No.21 dated 29.01.2013, which is for public purpose cannot be countenanced.

7. With the above observations, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rsi

To

The Principal Secretary to Government,
Housing & Urban Development (HB5(2) Department),
Secretariat,
St. Fort George, Chennai -9.

+1cc to Mr.I.C.Vasudevan, Advocate sr.83414

+1cc to Mr.V.Ananthamurthy, Advocate sr.83845

W.P. No.27148 of 2018

vgi[col]
srg 24/01/2019

सत्यमेव जयते

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