

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.11.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.29846 of 2018
and W.M.P.Nos.34840 & 34841 of 2018

- 1.C.Balakrishnan
2. K.M.Elizabeth Mary
3. Mahalakshmi
4. Syed Mazharuddin
5. Habibunnisa Begum

.. Petitioners

Vs.

1. The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Housing and Urban Development Department
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Tamil Nadu Housing Board,
Rep.by its Managing Director,
Annasalai, Nandanam,
Chennai - 600 035.
3. The Executive Engineer Cum
Administrative Officer,
CIT Nagar Renovation Scheme,
Tamil Nadu Housing Board,
Annasalai, Nandanam,
Chennai - 600 035.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to open the seal put on by the respondents on the petitioners house on 06.09.2018 for enabling the petitioners to reside in the petitioners' houses till the new constructions in Phase-1 in CIT Nagar, Nandanam, Chennai, is going to be started by the respondents herein.

For Petitioner : Mr.N.Velmurugan

For Respondent - 1 : Mr.N.Inbanathan
Additional Government Pleader

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus, to direct the respondents to open the seal put on by the respondents on the petitioners' house on 06.09.2018 for enabling them to reside in their houses till the new construction in Phase-1 in CIT Nagar, Nandanam, Chennai.

2. The petitioners are the residents of CIT Nagar, Nandanam, Chennai-35, who claimed to be residing there for the last 50 years. The second respondent had issued a notice of eviction on 16.09.2011 to all those allottees residing in CIT Nagar resulting in batch of writ petitions being filed before this Court. The eviction was sought for by the respondents, as there was a proposal to construct 474 flats to accommodate the existing allottees and also to sell the balance flats to the public under self-financing category. This Court, vide order dated 30.11.2011 in W.P.Nos.24679 of 2011 etc. batch, directed the respondents therein to issue a fresh notice of eviction and permitted the petitioners to continue to reside in their present quarters. It also appears that there are several writ petitions and writ appeals filed in this regard. In S.L.P.No.7352 of 2015 etc., dated 27.04.2015, an order of status-quo was granted. It is now stated that several of the houses were demolished. The petitioners are still continuing in their premises, but the respondent has sealed their premises. Hence, a representation has been given on 22.10.2018 requesting the respondents to de-seal the premises and permit them to continue their living. The petitioners have also given an undertaking that they would immediately vacate the premises and handover the possession as and when work starts. Hence, a Mandamus is sought for to de-seal the houses of the petitioners.

3. Heard Mr.N.Velmurugan, the learned counsel for the petitioner and Mr.N.Inbanathan, learned Additional Government Pleader for the first respondent.

4. Considering the above averments, as the representation of the petitioners' dated 22.10.2018 before the second respondent is still pending, it would suffice to direct the second respondent to consider the said representation.

5. Accordingly, the second respondent is directed to consider the petitioners' representation dated 22.10.2018 and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioners as well as any of the interested parties, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Srn

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Housing and Urban Development Department
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
Annasalai, Nandanam,
Chennai - 600 035.
3. The Executive Engineer Cum
Administrative Officer,
CIT Nagar Renovation Scheme,
Tamil Nadu Housing Board,
Annasalai, Nandanam,
Chennai - 600 035.

+1cc to Mr.N.Velmurugan, Advocate, S.R.No. 77651
+1cc to Mr.V.Anandhamurthy, Advocate, S.R.No. 7814
+1cc to the Government Pleader, S.R.No. 77982

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