

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No.1291 of 2016

JUDGMENT: *(Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned counsel for the appellant and the learned Standing Counsel for the respondents - Housing Board.

2. The appellant was allotted an accommodation by the Housing Board. He is alleged to have put up certain constructions in excess of the area, which he could have occupied as part of that residential accommodation. This led to proceedings under the Housing Board Act. That went adverse to him. He carried it in a statutory appeal before the Chief Judge. That decision also went against the appellant. He challenged it before the learned Single Judge under Article 226 of the Constitution of India. That was repelled. Hence this writ appeal.

3. The learned counsel for the appellant points out that the appellant ought not to have been isolated in the matter of considering the cases of encroachments or unauthorized constructions because many other persons in the same housing colony had resorted to such activities. We do not see any material particulars of any such encroachments by any other person to substantiate this plea which is placed as part of arguments.

4. The learned counsel for the respondents - Housing Board, however, rightly, points out that on appellant's own showing before the appellate authority as well as the learned Single Judge, it is beyond dispute that he has, as a matter of fact, encroached and put up constructions in excess of his eligibility. Under such circumstances, we do not find out way to hold that the impugned verdict rendered by the learned Single Judge is contrary to law or is unjust on the facts and in the circumstances of the case, warranting interference through this Letters Patent Appeal.

5. Therefore, this Writ Appeal is dismissed. No order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending stand closed.



THOTTATHIL B. RADHAKRISHNAN, CJ

RAMESH RANGANATHAN, J

July 11, 2018.

PV/VV