

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.2.2019

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

WRIT APPEAL NO.325 OF 2019

Tmt.S.SivayogamAppellant/Petitioner

Vs

1. The Principal Secretary to Government, Housing and Urban Development [HB5 (2)] Department, Chennai-9.
 2. The Tamil Nadu Housing Board, rep.by its Principal Secretary/Managing Director, Nandanam, Chennai-35.
 3. The Executive Engineer/Executive Officer, Tamil Nadu Housing Board, CIT Nagar Division, Chennai-17.
-Respondents/Respondents

APPEAL under Clause 15 of the Letters Patent against the order dated 04.10.2018 in W.P.No.25943 of 2018.

Prayer in W.P.No.25943 of 2018: - 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.M.S No.21 Housing / Urban Development (HB5(2)) Department dated 29.01.2013 together with consequential notice issued to the petitioner by the 3rd 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 Appellant : Mr.Jayapal Rajan
For Respondent-1 : Mr.R.Udhayakumar, AGP
For Respondents
No.2 & 3 : Mr.V.Anandha Murthy

Judgment was delivered by T.S.SIVAGNANAM, J

We have heard Mr.Jayapal Rajan, learned counsel for the appellant, Mr.R.Udhayakumar, learned Additional Government Pleader accepting notice for the first respondent and Mr.V.Anandha Murthy, learned Standing Counsel accepting notice for respondents 2 and 3.

2. The appellant - writ petitioner has filed this appeal challenging the order dated 04.10.2018 in WP.No.25943 of 2018.

3. The appellant filed the said writ petition challenging a Government Order in G.O.Ms.No.21 Housing & Urban Development [HB5(2)] dated 29.1.2013 and the consequential notice issued by the Executive Engineer/ Executive Officer, Tamil Nadu Housing Board, CIT Nagar Division, by which, the appellant was directed to vacate the quarters allotted to her on the ground that it has become unfit for occupation, that the same has to be demolished and that a multi storied apartment complex is to be constructed.

4. The learned Single Judge, by the impugned order dated 04.10.2018, dismissed the said writ petition taking note of the order passed in a batch of cases namely W.P.No.13846 of 2018 etc. cases dated 28.9.2018, which dealt with an identical issue raised by various Government servants, who were allotted quarters in Todhunter Nagar.

5. The learned counsel for the appellant would submit that the appellant is a lady working in the office of the Director General of Police, that now she has been given alternate accommodation in Thirumangalam and that the distance is very far.

6. Admittedly, there is no vested right for a Government employee to claim that he or she is entitled to remain in occupation of a particular quarters. It is regulated by various executive instructions issued from time to time. Furthermore, the allotment of quarters is stated to be made on the basis of seniority maintained by the Government. We find that the appellant has not made out any case for interference.

7. In the result, the writ appeal fails and is accordingly dismissed. No costs.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

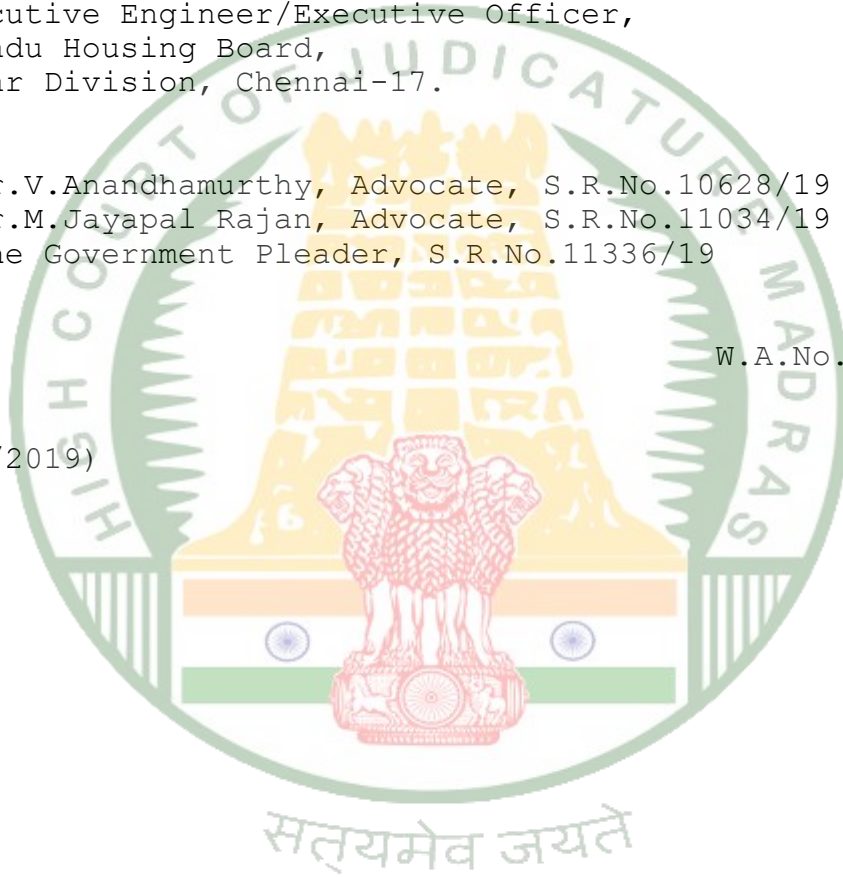
To

- 1.The Principal Secretary to Government,
Housing and Urban Development,
[HB5 (2)] Department,
Chennai-9.
- 2.The Principal Secretary/Managing Director,
Tamil Nadu Housing Board,
Chennai-35.
- 3.The Executive Engineer/Executive Officer,
Tamil Nadu Housing Board,
CIT Nagar Division, Chennai-17.

+lcc to Mr.V.Anandhamurthy, Advocate, S.R.No.10628/19
+lcc to Mr.M.Jayapal Rajan, Advocate, S.R.No.11034/19
+lcc to the Government Pleader, S.R.No.11336/19

W.A.No.325 of 2019

Kak (06/03/2019)



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