

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.3367 of 2008

and

M.P.No.1 of 2009

1.M.Pottuthai
2.K.Muthumani
3.K.Marikani
4.K.Kamaraj

...Petitioners

Vs.

1.State of Tamil Nadu,
Rep.by its Secretary,
Department of Housing and Urban Development,
Fort St.Geroge, Chennai - 600 009.
2.Tamilnadu Small Industries Development Corporation Limited,
rep.by its Chairman and Managing Director,
Thiru Vi.Ka.Industrial Estate,
Guindy, Chennai - 600 016.
3.The Branch Manager,
Tamilnadu Small Industries Development Corporation Limited,
Ambattur Industrial Estate Ambattur,
Chennai - 600058.

... Respondents

(Cause title amended as per order of this Court
dated 29.02.2008 in M.P.No.3 of 2008 in
W.P.No.3367 of 2008)

Payer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent in connecting with the impugned order in Letter No.1032/Aa/10/98, dated 26.12.2006, passed by the third respondent rejecting the claim of the Late M.Karuppiyah and directing him to hand over possession of the tenement to the third respondent, served on the petitioners on 05.01.2008 and transfer the ownership of the tenement in No.95, Labour Tenement, Industrial Estate, Ambattur, Chennai to the petitioner at the rate of Rs.9600/- as per the G.O.Ms.No.128, Housing and Urban Development, dated 24.3.97.

For Petitioners

: Mr.M.Ramamoorthi

For Respondents : Mr.B.Anand
Government Advocate for R1
Mr.S.Yashwanth for R2 & R3

ORDER

This writ petition has been filed by the legal heirs of one Karuppaiah challenging the order of the third respondent dated 26.12.2006 vide Letter No.1032/Aa/10/98 and consequently, directing the respondents to hand over the possession and transfer the ownership tenement to the petitioners.

2. According to the petitioners, their father Karuppaiah was an employee in Tamil Nadu Small Industries Corporation Limited (SIDCO). He was allotted with a labour tenement constructed by the Government of Tamil Nadu on 01.08.1990, while he was working as a pump operator in SIDCO. He retired from service after attaining the age of superannuation on 30.06.1998 and died subsequently.

3. In the meanwhile, the respondents approached the Estate Officer to take possession of the property under the Tamil Nadu Public Premises (Eviction of unauthorized occupants) Act, 1975 and the petitioners father was issued with Form-A notice on 09.06.2005. The order of eviction was challenged by the said Karuppaiah by filing a writ petition in W.P.No.18399 of 2005, the same was dismissed by this Court on 25.09.2006, with a direction to the respondents to evict him forthwith.

4. The present writ petition has been filed by the legal heirs of the said Karuppaiah. It is the submission of the learned counsel for the petitioners that G.O.Ms.128, Housing and Urban Development Department, dated 24.3.1997 was not brought to the knowledge of this Court, which enables the tenement to purchase the property and hence they are entitled for redelivery of the property in dispute.

5. The learned counsel for the respondents 2 and 3 would submit that pursuant to the order passed by this Court in W.P.No.18399 of 2005, the respondents have taken over possession of the premises on 31.01.2007 and reallocated the same to the serving employees of the Corporation.

6. In the instant case, I am not able to agree with the case of the petitioners, for the reason that the employee himself challenged the order of eviction and the same was rejected by this Court on 25.09.2006. After the lapse of 14 years, the petitioners cannot seek review of the order passed in

the earlier writ petition. Hence, I find no merits in this writ petition. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary,
State of Tamil Nadu,
Department of Housing and Urban Development,
Fort St.Geroge, Chennai - 600 009.
- 2.The Chairman and Managing Director,
Tamilnadu Small Industries Development Corporation Limited,
Thiru Vi.Ka.Industrial Estate,
Guindy, Chennai - 600 016.
- 3.The Branch Manager,
Tamilnadu Small Industries Development Corporation Limited,
Ambattur Industrial Estate Ambattur,
Chennai - 600058.

+1 cc to M/s.M.Ramamoorthi, Advocate Sr.No.67503
+1 cc to Mr.S.Yashwanth, Advocate Sr.No.67871
+1 cc to The Government Pleader Sr.No.67871

AKM/24.09.19/3P-7C/

सत्यमेव जयते

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