

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.5883 of 2009

C.Rathika

.. Petitioner

Vs

1.The Executive Engineer & Administrative  
Officer (I/C),  
Salem Housing Unit,  
TNHB, Iyyanthirumaligai Road,  
Salem.

2.The Assistant Executive Engineer,  
Tamil Nadu Housing Board,  
Mettur Dam, Salem.

3.The Commissioner of Social Welfare,  
Directorate of Social Welfare,  
Chepauk, Chennai - 5.

.. Respondents

R3 is impleaded as per court order  
dated 29.04.2009 in MP2/09 in WP 5883/09

Prayer: Writ Petition filed under Article 226 of the  
Constitution of India seeking a writ of mandamus to forbear the  
respondents from interfering with the petitioner's possession of  
housing quarters in flat B-12, TNHB quarters, Mettur Dam-1,  
Salem, pending disbursement of the terminal benefits including  
family pension and consideration of compassionate appointment to  
the petitioner and pass such further orders.

For petitioner : Mr.S.Ramesh

For R1&R2 : Mr.R.Bharathkumar, standing counsel

For R3 : Mr.K.Ravikumar, AGP

ORDER

The petitioner has filed this writ petition seeking to  
forbear the respondents from interfering with her possession of  
housing quarters in flat B-12, TNHB quarters, Mettur Dam-1,  
Salem, pending disbursement of the terminal benefits including  
family pension and consideration of compassionate appointment to  
her.

2. It is averred in the affidavit filed in support of the writ petition that the petitioner's father / V.Chandramohan, while serving as Superintendent in ICDS, Nanganvalli, Salem District, had suffered massive heart attack and suddenly expired on 06.04.2008, leaving the petitioner's family in distress. As the petitioner was not in a position to move out of Salem due to health condition and that the terminal benefits due to the petitioner were also not settled, she has filed the present writ petition with a prayer cited supra.

3. When the matter is taken up, learned standing counsel appearing for the respondents 1 and 2, by filing a counter affidavit, submitted that the prayer made in the writ petition has become infructuous, as the petitioner, after the demise of her father, had continued to stay in the official quarters without the permission of the Government and against the Rules. Therefore, since the petitioner was liable to pay the economic rent at the rate of Rs.7,470/- for her overstay, she had also paid the same as demanded by the Tamil Nadu Housing Board and thereafter handed over the possession of the premises to the Tamil Nadu Housing Board on 31.03.2010. The said official quarters was also reallotted to one Tmt.T.Viji Priya on 25.05.2010.

4. Thus, since the official quarters, after handing over by the petitioner, was reallotted to another person on 25.05.2010 itself, nothing survives for further adjudication. Accordingly, the writ petition is dismissed as infructuous. No Costs. M.P.No.1 of 2009 is closed.

Sd/-  
Assistant Registrar

//True copy// सत्यमेव जयते

Sub Assistant Registrar

rkm

To

1. The Executive Engineer & Administrative  
Officer (I/C),  
Salem Housing Unit,  
TNHB, Iyyanthirumaligai Road,  
Salem.

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2.The Assistant Executive Engineer,  
Tamil Nadu Housing Board,  
Mettur Dam, Salem.

3.The Commissioner of Social Welfare,  
Directorate of Social Welfare,  
Chepauk, Chennai - 5.

+1cc to Mr.R.Bharathkumar, Advocate SR.No.31840

+1cc to Government Pleader SR.No.32733

W.P.No.5883 of 2009

MR(CO)  
GMY(09/05/2019)



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