

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.Nos.1033, 1035, 1047, 1054 and 1057 of 2019
and C.M.P.Nos.7730, 7748, 7783, 7806 and 7815 of 2019

W.A.No.1033 of 2019

A.Pandian Appellant /Petitioner
-Vs-

1.The Chairman
Tamil Nadu Housing Board
No.331, Anna Salai, Nandanam
Chennai - 600 035.

2.The Executive Engineer & Administrative Officer
Tamil Nadu Housing Board, Besant Nagar Division
No.48, Dr.Muthulakshmi Salai, Adyar
Chennai - 600 020.

3.Paramasivam Respondents /Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent,
against the order passed by this Honourable Court in
W.P.No.23317 of 2018 dated 21.12.2018

Prayer in WP No.23317 of 2018 :

For the reasons stated in the accompanying Affidavit, it is
therefore respectfully prayed that this Hon'ble Court may be
pleased to issue a Writ of Certiorarified Mandamus or any other
appropriate writ or order or direction in the nature of the
writ, calling for records relating to impugned order passed by
the 2nd respondent in letter No. A.L.15/ 2054/2016 dated
20.04.2017 and quash the same as illegal improper,
unreasonable, arbitrarily and the violation of principal of
Natural Justice and direct the 1 and 2 respondents to remove the
lock and seal put up in the petitioner shop No.8 at T.N.H.B.
Shopping Complex, 3rd Avenue, Besant Nagar, Chennai and handover
the same to the petitioner and permit him to continue to running
the shop with regular renewal thereto and pass such further or
other order as this Hon'ble court may deem fit and proper in the

circumstances of the case and thus render justice.

W.A.No.1035 of 2019

N.Ananda Nayagi

... Appellant

-Vs-

1.The Chairman

Tamil Nadu Housing Board
No.331, Anna Salai, Nandanam
Chennai - 600 035.

2.The Executive Engineer & Administrative Officer

Tamil Nadu Housing Board, Besant Nagar Division
No.48, Dr.Muthulakshmi Salai, Adyar
Chennai - 600 020.

3.A.Kalyanasundaram

... Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent, against the order passed by this Honourable Court in W.P.No.23320 of 2018 dated 21.12.2018.

Prayer in WP No.23320 of 2018 :

For the reasons stated in the accompanying Affidavit, it is therefore respectfully prayed that this Hon'ble Court may be pleased to issue a Writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of the writ, calling for records relating to impugned order passed by the 2nd respondent in letter No. A.L.15/ 2054/2016 dated 20.04.2017 and quash the same as illegal improper, unreasonable, arbitrarily and the violation of principal of Natural Justice and direct the respondents to remove the lock and seal put up in the petitioner stall No.5 at T.N.H.B. Shopping Complex, 3rd Avenue, Besant Nagar, Chennai and handover the same to the petitioner and permit him to continue to running the shop with regular renewal thereto and pass such further or other order as this Hon'ble court may deem fit and proper in the circumstances of the case and thus render justice.

W.A.No.1047 of 2019

T.Nandakumar

... Appellant/Petitioner

-Vs-

1.The Chairman

Tamil Nadu Housing Board
No.331, Anna Salai, Nandanam
Chennai - 600 035.

2.The Executive Engineer & Administrative Officer
Tamil Nadu Housing Board, Besant Nagar Division
No.48, Dr.Muthulakshmi Salai, Adyar
Chennai - 600 020.

3.A.Muthu

4.V.Kalathi Chettiar

5.P.N.Seshamani

... Respondents/Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent,
against the order passed by this Honourable Court in
W.P.No.23319 of 2018 dated 21.12.2018.

Prayer in WP No.23319 of 2018 :

For the reasons stated in the accompanying Affidavit, it is
therefore respectfully prayed that this Hon'ble Court may be
pleased to issue a Writ of Certiorarified Mandamus or any other
appropriate writ or order or direction in the nature of the
writ, calling for records relating to impugned order passed by
the 2nd respondent in letter No. A.L.15/ 2054/2016 dated
20.04.2017 and quash the same as illegal improper,
unreasonable, arbitrarily and the violation of principal of
Natural Justice and direct the 1 and 2 respondents to remove
the lock and seal put up in the petitioner stall Nos.25, 33 and
34 at T.N.H.B. Shopping Complex, 3rd Avenue, Besant Nagar,
Chennai and handover the same to the petitioner and permit him
to continue to running the shop with regular renewal thereto
and pass such further or other order as this Hon'ble court may
deem fit and proper in the circumstances of the case and thus
render justice.

W.A.No.1054 of 2019

K.Marutham

... Appellant/Petitioner

-Vs-

1.The Chairman

Tamil Nadu Housing Board
No.331, Anna Salai, Nandanam
Chennai - 600 035.

2.The Executive Engineer & Administrative Officer
Tamil Nadu Housing Board, Besant Nagar Division
No.48, Dr.Muthulakshmi Salai, Adyar
Chennai - 600 020.

3.Karthikeyan

... Respondents/Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent,
against the order passed by this Honourable Court in
W.P.No.23318 of 2018 dated 21.12.2018.

Prayer in WP No.23318 of 2018 :

For the reasons stated in the accompanying Affidavit, it is therefore respectfully prayed that this Hon'ble Court may be pleased to issue a Writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of the writ, calling for records relating to impugned order passed by the 2nd respondent in letter No. A.L.15/ 2054/2016 dated 20.04.2017 and quash the same as illegal improper, unreasonable, arbitrarily and the violation of principal of Natural Justice and direct the respondents 1 and 2 to remove the lock and seal put up in the petitioner shop No.5 at T.N.H.B. Shopping Complex, 3rd Avenue, Besant Nagar, Chennai and handover the same to the petitioner and permit him to continue to running the shop with regular renewal thereto and pass such further or other order as this Hon'ble court may deem fit and proper in the circumstances of the case and thus render justice.

W.A.No.1057 of 2019

T.K.Sundar ... Appellant /Petitioner

-Vs-

1.The Chairman
Tamil Nadu Housing Board
No.331, Anna Salai, Nandanam
Chennai - 600 035.

2.The Executive Engineer & Administrative Officer
Tamil Nadu Housing Board, Besant Nagar Division
No.48, Dr.Muthulakshmi Salai, Adyar
Chennai - 600 020.

3.ASathyamurthy ... Respondents/Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent, against the order passed by this Honourable Court in W.P.No.23321 of 2018 dated 21.12.2018.

Prayer in WP No.23321 of 2018 :

For the reasons stated in the accompanying Affidavit, it is therefore respectfully prayed that this Hon'ble Court may be pleased to issue a Writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of the writ, calling for records relating to impugned order passed by the 2nd respondent in letter No. A.L.15/ 2054/2016 dated 20.04.2017 and quash the same as illegal improper, unreasonable, arbitrarily and the violation of principal of Natural Justice and direct the respondents to remove the lock

and seal put up in the petitioner shop No.3 at T.N.H.B. Shopping Complex, Service Lane, 1st Avenue, Besant Nagar, Chennai and handover the same to the petitioner and permit him to continue to running the shop with regular renewal thereto and pass such further or other order as this Hon'ble court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellants in all appeals : No appearance

For Respondents in all appeals: Ms.R.Gowri - for R1 and R2

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by DR.VINEET KOTHARI, J.)

The present writ appeals are directed against the order of the learned Single Judge dated 21.12.2018, whereby the learned Single Judge has dismissed the writ petitions as infructuous, on the basis of the counter filed by the respondent Housing Board, that the writ petitions have become infructuous, since the petitioners, who had challenged their eviction, have already been evicted from the premises in question and the property in question situated at Besant Nagar Shopping Complex, had already been demolished on 29.12.2018, where the respondent Housing Board intends to develop a new commercial complex. The relevant portion of the order of the learned Single Judge is quoted below for ready reference.

" 5. Admittedly, the petitioners have vacated the premises and they are not in occupation. The respondent Board intends to develop new commercial complex in the subject premises and make outright sale of the shops, which will be beneficial for more number of vendors and the same cannot be stalled for the benefit of few persons. The initiation of suits by the petitioners caused delay in the project and permitting the petitioners to use the shops will cause much more delay, escalating the project cost. It is submitted that there is no alternative site available for allotment to the petitioners in the nearby vicinity. In the given circumstances, there is no merit in the claim of the petitioners.

6. Accordingly, the writ petitions fail and the same are dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petitions are closed."

2.The respondent Housing Board, in paragraph 4 of the

counter affidavit has submitted as under.

"4. Before advertng to the various allegations contained in the affidavit, these respondents submit the following facts for the appreciation and disposal of the case.

S No	Name of the Writ Appell ant	Writ Appea l No.	Original Allottee	Exten t of Shop No.	Rent	Arrears (if any)	Writ Petit ion No.	Demolis hed on
1	A.Pand ian	1033/ 19	Paramasi vam (21.04.1 980)	225 Sq.ft	Rs.16, 496	Rs.65,9 84	23317 /18	29.12. 2018
2	K.Marut han	1054/ 19	Karthike yan (03.07.1 981)	225 Sq.ft	Rs.13, 235	Rs.1,45 ,585	23318 /18	29.12. 2018
3	N.Anand a- nayagi	1035/ 19	A.Kalyan asundara m (16.07.1 980)	75 Sq.ft	Rs.10, 550	Rs.63,0 60	23320 /18	29.12. 2018
4	T.K.Sun dar	1057/ 19	A.Sathya -murthi (02.04.1 980)	225 Sq.ft	Rs.14, 578	Rs.58,3 12	23321 /18	29.12. 2018

3. The aforesaid position clearly and prima facie indicates that the writ petitioners were not only in arrears of the rent for the period for which they occupied the shops in question, but admittedly they were evicted from the premises and the entire property stood demolished on 29.12.2018 itself. Therefore, we are of the clear opinion that the present writ appeals have become infructuous and no interference can be made in the present matter at the instance of the appellants. The appeals are accordingly dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

KST

To

1.The Chairman
Tamil Nadu Housing Board
No.331, Anna Salai, Nandanam
Chennai - 600 035.

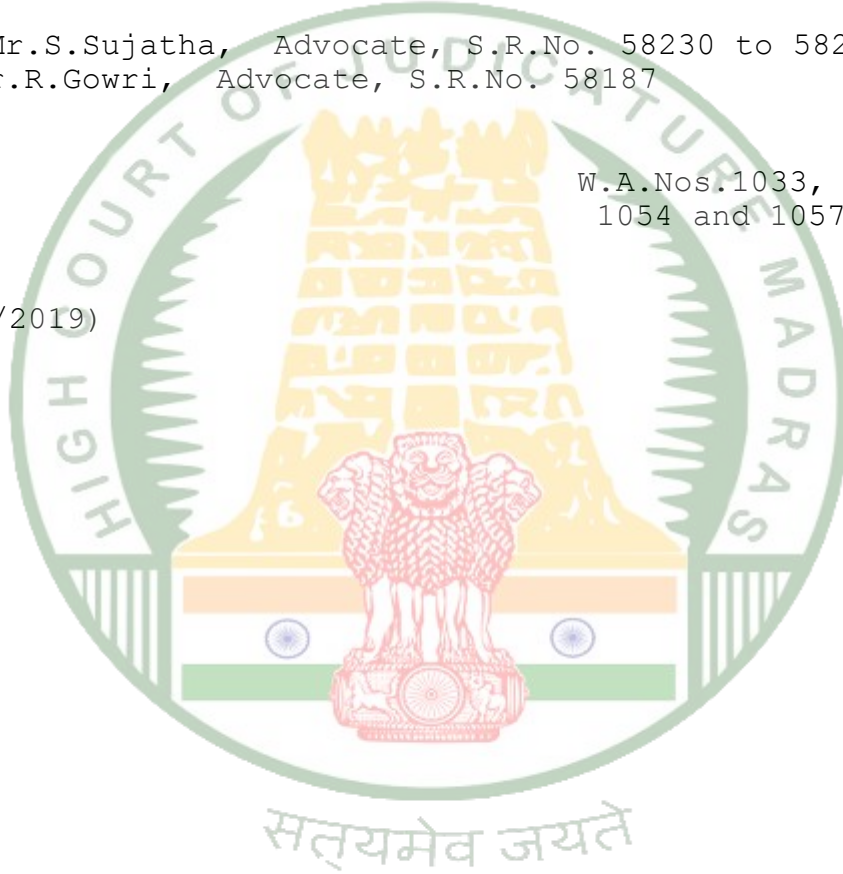
2.The Executive Engineer & Administrative Officer
Tamil Nadu Housing Board, Besant Nagar Division
No.48, Dr.Muthulakshmi Salai, Adyar, Chennai-20.

+10cc to Mr.S.Sujatha, Advocate, S.R.No. 58230 to 58234

+1cc to Mr.R.Gowri, Advocate, S.R.No. 58187

W.A.Nos.1033, 1035, 1047
1054 and 1057 of 2019

MR(CO)
GN(14/08/2019)



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