

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2019

CORAM :

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

Writ Appeal No. 1244 of 2019
&
C.M.P.No.8554 of 2019

1. T.S.Rangaswamy
2. G.Palanisamy
3. N.Prabakaran
4. N.L.Balaji
5. G.Mohan
6. T.Sheela
7. S.Ganesan
8. J.Mahalingam

...Appellants

-vs-

1. The Government of Tamil Nadu,
Rep by its Secretary to Government
Department of Housing and Urban Development,
Secretariat, Chennai - 600 009.

2. The Managing Director,
Tamil Nadu Housing Board,
No.331, Anna Salai, Nandanam,
Chennai - 600 035.

...Respondents

Writ Appeal filed under Clause 15 of Letters Patent against
the order of this Court in W.P.No.5533 of 2019 dated 22.03.2019.

WP.NO.5533/2019:

Petition filed under Article 226 of the Constitution of
India praying for the issuance of a Writ of Mandamus to direct
the respondents to follow the procedure contemplated under

section 84 of the Tamil Nadu State Housing Board Act and also to comply with the undertaking given before this Honourable Court in writing in the counter affidavit filed in the earlier litigation as promised by the Government in G.O.Ms.No.52 issued by Housing and Urban Development Department dated 5.3.2012 to reaccomodate the petitioner after demolition and reconstruction the existing structures and if the respondents are having a plan and fund for demolition and reconstruction then time may be granted to the petitioners to vacate the premises on or before 30.4.2019.

For appellant : Mr.Nithyaesh and Vaibhav

For Respondents: Mrs.R.Janaki
Additional Government Pleader
for R.1.
Mrs.Dr.R.Gowri
Additional Government Pleader
for R.2.

JUDGMENT

(Judgment of the Court was delivered by T.S.Sivagnanam, J.)

The appeal by the writ petitioner is directed against the order in W.P.No.5533 of 2019 dated 22.03.2017.

2. We have heard Mr.Nithyaesh and Vaibhav, learned counsel for the appellant and Mrs.R.Janaki, learned Additional Government Pleader for first respondent and Mrs.Dr.R.Gowri, learned Additional Government Pleader for second respondent.

3. After hearing the learned counsel for the parties and pursuant to the orders passed by the learned Single Bench, we find that the learned Single Bench rightly dismissed all the writ petitions. All the appellants before us have come into possession of the property under the public quota. In our judgment dated 01.03.2019, we have elaborately considered as to how this public quota has been arrived. In our considered view, there is absolutely no vested right for the appellants to continue to remain in possession of the property or as a matter of right seek for re-accommodation in the buildings proposed to be constructed in the cite after demolishing the existing super structure.

4. Mr.Dr.R.Gowri, learned Standing Counsel for the respondent/Board has produced before us the panchanama to show that all the appellants have been evicted from the properties in question and photographs have been produced to show that construction activity is commenced.

5. Thus, for the above reasons, the appellant have not made out any case for interference. Accordingly, the appeal fails and stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TO:

1. The Government of Tamil Nadu,
Rep by its Secretary to Government
Department of Housing and Urban Development,
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2. The Managing Director,
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nr 28/05/2019

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