

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 01-07-2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI

AND

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No.1963 of 2019

P.Padmavathy

Appellant

-vs-

1.Tamil Nadu State Housing Board,
rep.by its Chairman,
No.493, Anna Salai,
Nandanam,
Chennai - 600 035.

2.Tamil Nadu State Housing Board,
rep.by its Revenue Officer,
Authorised Officer,
No.493, Anna Salai,
Nandanam,
Chennai - 600 035.

3.The Government of Tamil Nadu,
rep.by its Secretary to Government,
Housing and Rural Development Department,
Chennai-600 009.

.... Respondents

Appeal under Clause 15 of the Letters Patent against the Order, dated 11.01.2019, passed in W.P.No.3 of 2009 on the file of this Court.

Prayer in WP.3/2019:

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondents dated 01.12.2008 in proceeding No. B2/29256/08 with regard to the cancellation of allotment and eviction from the premises MIG -D1 Foreshore Estate Chennai -28 by quashing the same and

consequently direct thje respondents to transfer the allotment (tenancy) in the name of the petitioner and other legal heirs with regard to the aforesaid premises.

For Appellant : Ms.Gladys Daniel
For Respondents 1 & 2: Mrs.R.Gowri
For Respondents 3 : Mr.N.Srinivasan,
Addl.Govt.Pleader.

JUDGMENT

(By Dr.Vineet Kothari,J.)

Appellant-Writ Petitioner-Mrs.P.Padmavathy, wife of late Mr.P.Chandran, aged 86 years, has approached this Court by way of this Writ Appeal against the order of the learned Single Judge in the Writ Petition in W.P.No.3 of 2009, dated 11.01.2019, which came to be dismissed, by not allowing her to continue in the rental accommodation, constructed by Tamil Nadu State Housing Board, situated at MIG Flats under General Rental Scheme, bearing No.MIG-D1, Foreshore Estate, Chennai-600 028.

2. The said accommodation was allotted way back in the year 1961 in favour of the husband of the appellant, who, unfortunately, expired on 30.07.2006. Since then, the appellant-widow is living in the said accommodation. Against the eviction proceedings initiated by the respondent-Housing Board, the Writ Petition was filed by the appellant-writ petitioner and the same came to be rejected by the learned Single Judge.

3. Ms.Gladys Daniel, learned counsel for the appellant, filed before us an Undertaking signed by the appellant, duly countersigned by her, stating that the appellant may be allowed to live in the said accommodation only for her lifetime, as she has been living therein for the last 60 years with her husband and, even after the death of her husband, she is continuing to live in the said accommodation, paying monthly rentals to the Housing Board. She further undertakes to continue to pay the rentals to the Housing Board and, to have a peaceful living in the said premises, she pleads for mercy and indulgence of this Court to allow her to live in the said premises.

4. Learned counsel for the Respondent-Housing Board submits that the Board has denied any legal right of the appellant on the premises.

5. Having heard the learned counsel for the parties, by way of indulgence alone, without any legal right being conferred upon the appellant and making it clear that this order will not enure for the benefit for any other legal heirs of the appellant to claim any right whatsoever on the said premises, we direct the Respondent-Housing Board to permit the appellant-Mrs.P.Padmavathy to continue to live in the said premises during her lifetime. It is made clear that after she expires, none of

her family members will have any right of possession or residence in the said house on whatsoever ground and the Housing Board shall be free to take over the possession of the house. The appellant shall, however, continue to pay the monthly rentals regularly, as may be fixed by the Housing Board from time to time during her lifetime.

6. With the above directions and observations, this Writ Appeal is disposed of. No costs. Consequently, the connected C.M.P.No.13284 of 2019 stands closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chairman,
Tamil Nadu State Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai - 600 035.
- 2.The Revenue Officer,
Tamil Nadu State Housing Board,
Authorised Officer,
No.493, Anna Salai,
Nandanam,
Chennai - 600 035.
- 3.The Secretary to Government,
Government of Tamil Nadu,
Housing and Rural Development Department,
Chennai-600 009.

+2cc to M/s.G.Janane, Advocate sr.54838

+1cc to Government Pleader sr.54936

W.A.No.1963 OF 2019

rr(co)

nr 31/07/2019