

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No.24314 of 2019

S.Ramanathan

... Petitioner

Vs.

1.The State Represented by its
Secretary to Government,
Tamil Nadu Housing and
Urban Development Department,
Fort St. George,
Chennai 600 009.

2.The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board, C.I.T. Nagar,
Reconstruction Planning Division,
Nandanam Division,
Chennai 600 035.

3.The Revenue Officer/Authorized Officer,
Tamil Nadu Housing Board,
Nandanam Division,
Chennai 600 035.

... Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Certiorari, to
call for the record pertaining to the impugned notice passed by
the Second Respondent bearing letter No.C.I.T.Co./03/513/2011
dated 29.07.2019 and to quash the same is illegal.

For Petitioner : Mr.M.Bharathi

For Respondents : Mr.R.Venkatesh,
Government Advocate for R1
Mr.R.Bharathkumar for R2 and R3

O R D E R

The Writ Petition has been filed by the Petitioner
challenging the notice No. C.I.T.Co./03/513/2011 dated
29.07.2019 passed by the Second Respondent.

2. Mr. R. Bharathkumar, Learned Standing Counsel, who takes notice for the Second and Third Respondents submits that the Petitioner had earlier filed a Writ Petition in W.P. No. 13934 of 2012, seeking direction to the Respondents not to evict the Petitioner from possession and occupation of Door No.73, Third Street, Nandanam Colony, Chennai -35 and the same was rejected by this Court by order dated 16.11.2018. Challenging the said order, the Petitioner had preferred Writ Appeal in W.A. No. 711 of 2019, which was confirmed by the Division Bench of this Court by order dated 04.03.2019, with liberty to the Petitioner to make a representation to the Respondent by filing an affidavit, undertaking to vacate from the premises and hand over the possession of the same within a specific time frame and leaving it open to the Respondents to take a decision to grant further time if convinced by such explanation. It is brought to the notice that in pursuance thereof, the Respondents have already granted seven days time to the Petitioner to vacate from the premises by order dated 29.07.2018, which he has failed to comply and has instead challenged that order in this Writ Petition after the lapse of the aforesaid period.

3. The Learned Counsel for the Petitioner states that the Petitioner would require another six months to vacate from the premises. Having regard to the fact that the Petitioner had remained in occupation of the property after disposal of the Writ Petition on 16.11.2018 onwards, request for a further period of six months is unconscionable and does not merit any acceptance. That apart, the present Writ Petition, if entertained, would amount to re-litigation, abusing the legal process which cannot be countenanced.

4. Accordingly, the Writ Petition is dismissed. It is open to the Respondents to proceed for eviction of the Petitioner from the premises in accordance with law. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS-IV)

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//True copy//

Sub Assistant Registrar

rkp/gsa

To

1.The Secretary to Government,
Tamil Nadu Housing and
Urban Development Department,
Fort St. George, Chennai 600 009.

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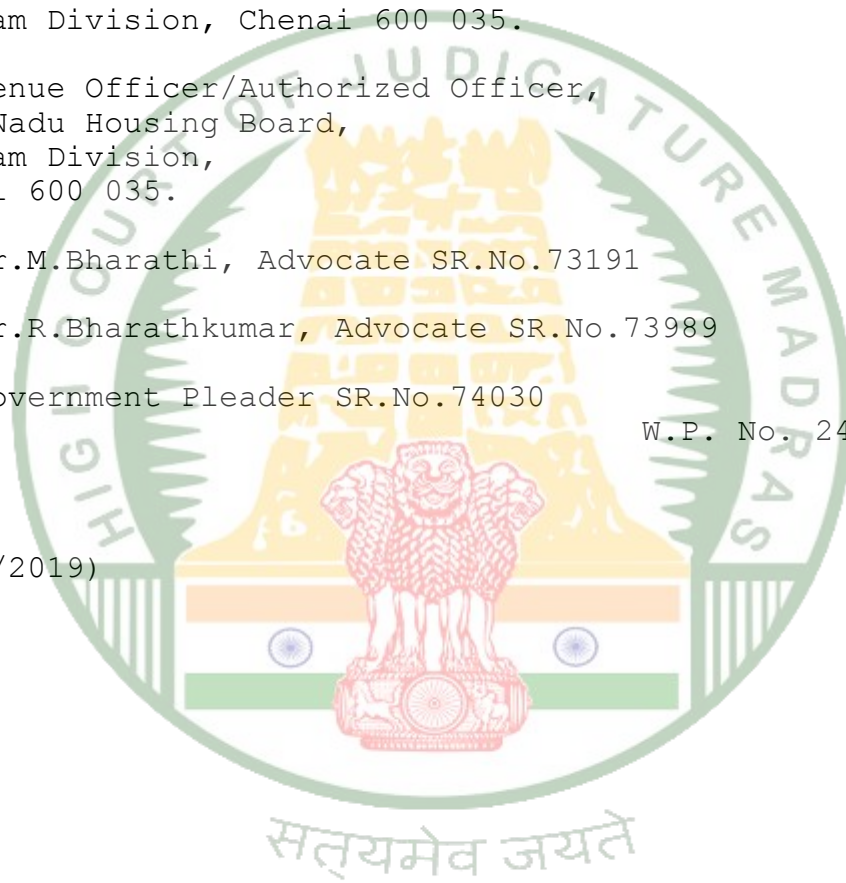
+1cc to Mr.M.Bharathi, Advocate SR.No.73191

+1cc to Mr.R.Bharathkumar, Advocate SR.No.73989

+1cc to Government Pleader SR.No.74030

W.P. No. 24314 of 2019

RJI (CO)
GMY (16/09/2019)



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