



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2019

CORAM

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

W.P. No. 26694 of 2019
and
W.M.P. No. 26076 of 2019

B. Shantha Bai

... Petitioner

-vs-

1. State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai 600 009.
2. The Managing Director,
The Tamil Nadu Housing Board,
493, Anna Salai,
Nandanam,
Chennai 600 035.
3. The Executive Engineer-cum-Administrative Officer,
Coimbatore Housing Unit,
Tamil Nadu Housing Board,
Tatabada,
Coimbatore 12.
4. The Managing Director,
Tamil Nadu Slum Clearance Board (TNSCB)
No.5, Kamarajar Salai,
Chennai 600 005.
5. The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Coimbatore Division,
397, North Housing Units,
Selvapuram,
Coimbatore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,



forbearing the Respondents 2 to 5 from putting up any construction in the land to an extent of 1.12 acres comprised in Survey Nos. 573 (part) and 574 (part) in Ezhilnagar, Selvapuram, Kumarapalayam Village, South Perur, Coimbatore District without making necessary compensation to the Petitioner for the flat demolished by the Respondents 4 and 5, which is covered by the registered Sale Deed dated 02.12.2011, registered as Document No. 6127 of 2011, on the file of the Joint Registrar - II, Coimbatore.

For Petitioner : Mr. R. Murali

For Respondents: Mr. R. Bharath Kumar, (For R1 to R3)

Mr. S. Prabhu, (For R4 & R5)

O R D E R

Heard Mr. R. Murali, Learned Counsel appearing for the Petitioner, Mr. R. Bharath Kumar, Learned Counsel appearing for the First to Third Respondents and Mr. S. Prabhu, Learned Counsel appearing for the Fourth and Fifth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The husband of the Petitioner, viz., B. Balasubramaniam, had been allotted a flat bearing No. J-110 in Ground Floor, Block J at Ezhil Nagar, Kumarapalayam Village SOP, Perur Taluk, Coimbatore District by the Tamil Nadu Housing Board and a sale deed dated 02.12.2011 has been registered as document No. 6127 of 2011 in the office of the Joint Registrar-II of Coimbatore, had been executed in his favour for the same. According to the Petitioner, on the demise of the said B. Balasubramaniam, she succeeded to his estate which includes the aforesaid flat. As the aforesaid flat in which the building is located had become dilapidated and the Tamil Nadu Housing Board is crippled with the paucity of funds, the task of demolition and reconstruction of that building was undertaken by the Tamil Nadu Slum Clearance Board by meeting the cost for the same through construction and sale of additional flats to third parties without collecting any cost for the same from the existing allottees or their legal heirs (like the Petitioner) for their flats. It is brought to the notice of this Court by the Learned Counsel appearing for the Respondents that the Petitioner has agreed for the aforesaid arrangement and had voluntarily vacated from the premises and thereafter, the dilapidated building in which her flat was located had been demolished and reconstruction had commenced. It was long



WEB COPY

thereafter that the Petitioner had filed this Writ Petition to forbear the Second to Fifth Respondents from putting up any construction in the land, where the demolished building stood, without making compensation to the Petitioner for her aforesaid flat.

3. Having regard to the fact that the rights of the Petitioner have been adequately protected by allotting her a new flat in the building, which is proposed to be constructed, without collecting any cost from her, it cannot be said that the Petitioner has been prejudiced in any manner by the impugned action. That apart, her conduct in filing this Writ Petition after the demolition of the dilapidated structure lacks bonafides and does not deserves to be entertained in the exercise of discretionary powers of this Court under Article 226 of the Constitution.

4. Accordingly, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

gsa/vjt

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai 600 009.
2. The Managing Director,
The Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai 600 035.
3. The Executive Engineer-cum-Administrative Officer,
Coimbatore Housing Unit,
Tamil Nadu Housing Board,
Tatabada,
Coimbatore 12.



4. The Managing Director,
Tamil Nadu Slum Clearance Board (TNSCB)
No.5, Kamarajar Salai,
Chennai 600 005.

WEB COPY

5. The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Coimbatore Division,
397, North Housing Units,
Selvapuram,
Coimbatore.

+lcc to Mr.S.Prabhu, Advocate SR.91234

+lcc to Mr.R.Murali, Advocate SR.90603

WP.26694 of 2019

VD(CO)
CB(09/01/2020)