

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2019

CORAM :

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

Writ Appeal No. 2392 of 2018

and

C.M.P.No.19217 of 2018

1. G. Suresh
2. S. Logu
3. N. Saravanan
4. K. Senthilvel
5. S. Saravanan
6. R. Suresh

...Appellants

-vs-

- 1.The Principal Secretary to Government,
Housing & Urban development HB5(2) Department,
Secretariat, Fort St. George, Chennai - 09.
2. Tamil Nadu Housing Board,
Rep by its Principal Secretary Managing Director,
Nandanam, Chennai - 35.
3. The Executive Engineer cum Executive Officer,
Tamil Nadu Housing Board,
C.I.T.Nagar Division,
Chennai - 600 017.

...Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order passed by this Court in W.P.No.19202 of 2018 dated 28.09.2018.

Prayer in W.P.No.19202 of 2018:

Petition praying to issue a Writ of Certiorari Calling for the records of the 1st respondent under G.O.Ms. No.21 Housning Board & Urban Department dated 29.01.2013 together with the consequential notices issued to the petitioners by the 3rd respondent dated 09.04.2018 05.06.2018 and 25.06.2018 and to quash the same.

For appellant : Mr.Doraiswamy.S.

For Respondents : Mr.R.Uthaya Kumar
Additional Government Pleader
(for R.1)
Mr.S.R.Rajagopal,
Additional Advocate General
assisted by
Mr.V.Anandha Moorthy
Government Advocate
(for R.2 & R.3)

JUDGMENT

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

This Appeal is directed against the order of this Court in W.P.No.19202 of 2018 dated 28.09.2018.

2. We have heard Mr.Doraiswamy.S, learned counsel for the appellants and Mr.R.Uthaya Kumar, learned Additional Government Pleader (for R.1), Mr.S.R.Rajagopal, learned Additional Advocate General, assisted by Mr.V.Anandha Moorthy, learned Government Advocate (for R.2 & R.3).

3. This appeal has been filed by the writ petitioners challenging the order and direction in W.P.No.19202 of 2018, the correctness of the order passed in the batch of cases was tested by us in W.A.Nos.492, 500, 453, 524, 525, 530, 542, 544, 545 of 2019. The said decision will equally apply to the facts of the present case. The appellants probably want to make a distinction on the ground that they are employees of this Court. We hardly find any reason to treat the appellants differently from other persons who have been granted allotment under the Government Rental Scheme merely because they are employed in the High Court. They can claim no such privilege and if they had any such option, it is thoroughly misconceived. Therefore, our decision in W.A.Nos.492, 500, 453, 524, 525, 530, 542, 544, 545 of 2019 will equally apply to this appeal. Accordingly, the appeal stands dismissed.

4. So far as the first appellant Mr.G.Suresh is concerned, who is also an employee of this Court, considering his health condition, on an earlier occasion, the Court made an observation to the learned Additional Advocate General that the respondents may take note of his health condition and may consider this case sympathetically.

5. It appears that this observation made by the Court was well received by the respondents and

accordingly the Government by letter dated 11.03.2019 has extended the concession and allotted him a rental accommodation in Peter's Colony. The first appellant Mr.G.Suresh and the other 5 appellants have now filed an affidavit seeking re-allotment. We do not appreciate the conduct of the appellants. Therefore, it is well open to the appellant Mr.G.Suresh to accept the Government letter dated 11.03.2019 or the general directions issued in the batch of the cases will automatically hold good and if the appellant G.Suresh does not accept the alternative accommodation at Peter's Colony then he shall vacate and handover the possession in Tod-Hunter Nagar, Saidapet. So far as the other appellants are concerned, since, Registry has already canceled alternative accommodation, no relief can be granted and they shall vacate and handover vacant possession to the respondents by 30.04.2019.

6. With the above observations and directions, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/--

Assistant Registrar(CS iii)

//True Copy//

Sub Assistant Registrar

mrn
To

- 1.The Principal Secretary to Government,
Housing & Urban development HB5(2) Department,
Secretariat, Fort St. George, Chennai - 09.
- 2.The Principal Secretary Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 35.
3. The Executive Engineer cum Executive Officer,
Tamil Nadu Housing Board,
C.I.T.Nagar Division,
Chennai - 600 017.

+1cc to Mr.V.Anandha Moorthy , Advocate SR.No. 23417
+1cc to Mr. Doraiswamy.S., Advocate SR.No. 23115

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A.SK(16/04/2019)