



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.07.2019**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD) NO.15463 OF 2019
and
W.M.P (MD) No.12103 of 2019

V.Ravichanran

:Petitioner

.vs.

1.The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandhanam,
Chennai-35.

2.The Executive Engineer,
Madurai Housing Unit,
Tamil Nadu Housing Board,
Madurai-10.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to stop the eviction of the Petitioner from the Community Hall in Pykara Government Colony, Madurai and to consider the Petitioner's representation on 2.7.2009, 4.10.2014 and 3.11.2017 to approve the Petitioner as tenant in the premises.

For Petitioner

:Mr.R.Ramasamy

For Respondents

:Mr.Mahaboob Athiff
Standing Counsel

O R D E R

[Order of the Court was made by **K.RAVICHANDRABAABU.,J.**]

The Petitioner seeks for mandamus directing the second respondent to stop eviction of the Petitioner from the Community Hall in Pykara Government Colony, Madurai and to consider the Petitioner's representation on 2.7.2009, 4.10.2014 and 3.11.2017 to approve the Petitioner as tenant of the said premises.



2. Heard both sides.

3. The Writ Petitioner claims that he has been permitted to occupy the subject-matter premises by the Inspector of Police. C-2 Police Station, Madurai, since the said Community Hall was un-cared by the respondents/Housing Board and some anti-social miscreants use the same for many purpose and for illegal activities. It is further contended by the Petitioner that he is in occupation of the said premises for the past ten years and therefore, the respondents/Housing Board cannot evict the Petitioner.

4. On the other hand, it was contended by the learned counsel for the respondents/Housing Board that the respondents never permitted the Petitioner to occupy the subject-matter Community Hall and on the other hand, the Petitioner has trespassed into the same and occupy the same without obtaining any permission from the respondents.

5. When this matter was taken up for hearing earlier, after considering the submissions made by the learned counsel on either side, we expressed our view that the Petitioner is not entitled to continue his possession in the subject-matter property anymore and the respondents are on the other hand, entitled to seek for eviction of the Petitioner. Therefore, we inform the learned counsel for the Petitioner that if the Petitioner seeks for breathing time to vacate, the same may be considered. For such purpose, we direct the Petitioner to file an affidavit of undertaking indicating the date on which he will vacate and hand-over the vacant possession of the subject-matter premises to the respondents.

6. Accordingly, the Petitioner filed an affidavit of undertaking, dated 26.7.2019, stating that he undertakes to hand-over the key of the premises to the respondents on 5.8.2019. In the said affidavit, the Petitioner cannot claim that he is in occupation of the said Community Hall for the past ten years, which statement is disputed by the learned counsel for the respondents.

7. Since the Petitioner has come forward to vacate and hand-over the vacant possession of the subject-matter premises to the respondents on 5.8.2019, this Writ Petition is disposed of by issuing the following directions:

(a) the Writ Petitioner shall vacate and hand-over the vacant possession of the subject-matter premises namely, the Community Hall in Pykara Government Colony, Madurai to the respondents/Housing Board on or before 5.8.2019 without fail; and

(b) if the Petitioner fails to vacate and hand-over the vacant possession, as directed supra within the time stipulated, the respondents are at liberty to evict the Petitioner with Police aid, apart from filing a Contempt Petition before this Court.



No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

WEB COPY

/TRUE COPY/

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandhanam,
Chennai-35.

2.The Executive Engineer,
Madurai Housing Unit,
Tamil Nadu Housing Board,
Madurai-10.

+1 CC to M/s.R.RAMASAMY, Advocate (SR-78284[F] dated 29/07/2019)

+1 CC to M/s.M.MAHABOOB ATHIFF, Advocate (SR-78418[F] dated 30/07/2019)

ORDER MADE IN
W.P (MD) NO.15463 OF 2019
and
W.M.P (MD) No.12103 of 2019
26.07.2019

vsn
JM/08.08.2019/3P-5C