

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2020

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P. NOS.6097, 6142 AND 6642 OF 2018
AND
W.M.P.NOS.7517, 7568 AND 8239 OF 2020

P.Swaminathan ..Petitioner in W.P.No.6097 of 2018
S.Karuppasamy ..Petitioner in W.P.No.6142 of 2018
Thangavel ..Petitioner in W.P.No.6642 of 2018

Versus

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 15.
2. The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam, Chennai - 101 ..Respondents in all W.Ps

PRAYER in W.P.No.6097 of 2018: Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified mandamus, calling for the records in respect of the Order No.Na.Ka.Aa.Na.Othu:1.3/6015/86 dated 16.02.2018 issued by the second respondent and to quash the same and to direct the respondent to regularize the allotment of the open space land permanently in favour of the petitioner.

PRAYER in W.P.No.6142 of 2018: Writ petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari, calling for the records in respect of the Order No.Ka.No.A.No.A9/8265-A/85 dated 16.02.2018 issued by the second respondent and to quash the same.

PRAYER in W.P.No.6642 of 2018: Writ petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari, calling for the records in respect of the Order No.Ka.No.A.No.A10/633-A/1985 dated 16.02.2018 issued by the second respondent and to quash the same.

For Petitioners : Mr.M.Arun
in all W.P.S for Mr.N.A.Kareem

For Respondents : Mr.P.H.Aravind Pandian, AAG
in all W.Ps Assisted by
Mr.R.Bharathkumar

COMMON ORDER

W.P. No.6097 of 2018 has been filed for a Writ of Certiorarified Mandamus, to call for the records in respect of the Order No.Na.Ka.Aa.Na.Othu:1.3/6015/86 dated 16.02.2018 issued by the second respondent, quash the same and consequently for a direction to the respondent to regularize the allotment of the open space land permanently in favour of the petitioner.

2. W.P. Nos.6142 and 6642 of 2018 have been filed for a writ of certiorari, to call for the records of the second respondent in No.Ka.No.A.No.A9/8265-A/85 dated 16.02.2018 and No.Ka.No.A.No.A10/633-A/1985 dated 16.02.2018 and to quash the same.

3. The petitioners are occupying open space of land in Tamil Nadu Housing Board, 14-Shop Complex, which is near to "Chinthamani Cooperative Society Complex", for running shops, for commercial purpose, with effect from 1986 and rent towards the same has been paid by the petitioners. Despite the efforts taken by the Housing Board, calling upon the petitioners, to vacate and hand over the possession for the reason that they are going to demolish the existing building and put up a new complex, the petitioners are continuing to squat on the property.

4. After hearing both sides for some time, it was brought to the notice of this court that, having obtained a consented order before the learned single Judge, in which, time was granted till 07.11.2020, the same was challenged before the Division Bench in W.A.SR No.75954/2020. Even at the SR stage itself, the Division Bench passed an order on 10.11.2020, extending the time granted by the learned single Judge, by one more month i.e. till 07.12.2020.

5. The learned counsel appearing for the petitioners in the writ petitions, is agreeable for the said date and stated that the petitioners would vacate and hand over the possession on or before 07.12.2020 to the respondents 1 and 2. In the event, the petitioners are not handing over the vacant possession, within the time granted by this court, it is open to the Housing Board to take appropriate steps for taking possession with the aid of

the police. The petitioners are also directed to pay the arrears of rent, if any, till the date of vacating the premises.

6. The writ petitions are disposed of directing the petitioners to vacate and hand over the possession to Housing Board on or before 07.12.2020. No costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 15.
2. The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam, Chennai 101.

W.P. Nos.6097, 6142 and 6642 of 2018
and
W.M.P.Nos.7517, 7568 and 8239 of 2020

LN(CO)
KKV/07/01/2021

सत्यमेव जयते

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