

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.6508 & 7000 of 2020 and
W.M.P. Nos.7727, 8350 & 8351 of 2020
(Heard through VC)

R.Vijayakumar

.. Petitioner in

W.P.No.6508/2020

S.Selvam

.. Petitioner in

W.P. No.7000/2020

Vs.

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 both
writ petitions

PRAYER: Writ Petitions filed Under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari
calling for the records in respect of the Order No.Ka. No. A.
No.A.11.3/6775/81 dated 09.01.2020 and A. No.A.11.3/4326/86
dated 14.01.2020 issued by the 2nd respondent and quash the
same.

For Petitioner : Mr.Pari Ramaiah

for Mr.N.A.Kareem

For Respondents-1 & 2: Mr.P.H.Arvind Pandian, AAG

for Mr.R.Bharath Kumar for R1&R2

COMMON ORDER

These writ petitions have been filed challenging the
order of eviction passed by the second respondent with
respect to Shop Nos.1 and 3 in Plot No.2133-A, South Main
Road, Anna Nagar, Chennai - 40.

2. Both the petitioners in W.P. Nos.6508 of 2020 and
7000 of 2020 are not the original allottees, as pointed out
by the learned counsel for the Housing Board. The original

allottees are one K.A.Habibur Rahman and P.K.Arjunan for shop Nos.1 and 3 respectively. However, the petitioners have added their names on top of the original allottees names in the eviction notices and have come before this court, as if they are the original allottees.

3. It is a fraud played on this court. Plot No.2133A, Anna Nagar, Chennai - 40, originally had about 16 shops, out of which, 14 of them were demolished after affording time to the petitioners. Only these two petitioners are refusing to vacate and have come before this court challenging the orders of eviction.

4. On 16.03.2020, when W.P. No.6508 of 2020 was moved before this court, this court has granted an order of status quo. Similarly, on 19.03.2020, similar order of status quo was passed in W.P. No.7000 of 2020. Thereafter due to pandemic situation, no progress was made. These two occupants have now stalled the entire project successfully for nine months and the learned counsel on record also reported no instructions for the writ petitioners.

5. Without going into the fraudulent act done by the petitioners, they are directed to vacate and hand over the possession on or before 07.12.2020 to the respondents, failing which, the respondents can resort to the aid of police, to vacate them. If they do not vacate, on or before the date fixed by this court, it is open to the respondents to take appropriate action, be it civil or criminal, for playing the fraud on this court by taking appropriate legal proceedings. The petitioners are also directed to pay the arrears of rent, if any, till the date of vacating the premises.

6. Accordingly, both 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 and pay the arrears of rent, if any, till the date of vacating the premises. No costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Asr

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.6508 & 7000 of 2020 and
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A.SK(04/12/2020)



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