

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2020

CORAM

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.NO.10468 OF 2020

AND

WMP NO.12724 OF 2020

Arun Snack Bar,
Rep. By its Proprietor S.Muthu,
G-133A, Chinthamani Complex,
Anna Nagar East, Chennai 600 102.

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 015.
2. The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam, Chennai 600 101.

...Respondents

Prayer ..

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified mandamus to call for the records of the second respondent pertaining to the notice dated 08.06.2018 in Letter No.A.Na.Othu.1.9/1152/1985, the consequential notice vide Letter bearing A.No.A.II.3/1152/85 dated 21.07.2020 and quash the same and to direct the respondents to consider the representations of the petitioner dated 30.07.2012 and 28.07.2020 seeking for re-allotment of a shop on lease or sale basis on demolition and reconstruction of the existing commercial complex known as "Chinthamani Co-operative Society Complex" at plot No.586, 587 and 568, Chinthamani, Anna Nagar East, Chennai 600 102 pursuant to and in terms of the Board Resolution No.9.06 dated 30.10.2009.

For Petitioner	:	Mr.Pari Ramesh for Mr.N.A.Kareem
For Respondents	:	Mr.R.Bharath Kumar Standing counsel

O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. Mr.R.Bharath Kumar, learned standing counsel takes notice for the respondents.

3. This writ petition is filed challenging the impugned proceedings of the second respondent dated 08.06.2018 and 21.07.2020, wherein and whereby, the petitioner was asked to vacate and hand over vacant possession of the subject matter premises on or before 10.08.2020.

4. It is claimed by the petitioner that one E.Aravindhan, the erstwhile partner of the petitioner got an allotment order as early as in the year 1985 in respect of the subject matter premises and that the said Aravindhan retired from the partnership under a deed dated 25.12.2003. Thus, it is stated that the petitioner is continuously occupying the premises and running the tea shop. Therefore, the present writ petition is filed questioning the action of the respondents to evict the petitioner.

5. Learned counsel for the petitioner submitted that all along, the petitioner is running a tea shop in the subject matter premises and the Corporation has also issued license in the name of the petitioner to run the said tea stall. Therefore, he submitted that the respondents are not justified in seeking the eviction of the petitioner.

6. On the other hand, the learned standing counsel for the respondents submitted that the petitioner is an unauthorized tenant and therefore, he is not entitled to any relief. Apart from saying so, the learned counsel submitted that the very impugned proceedings are issued only in the name of the original allottee viz., E.Aravindhan. Therefore, the petitioner is not having any locus to question those proceedings.

7. After hearing both sides and perusing the materials placed before this Court, it is evident that the impugned proceedings were issued only against the said E.Aravindhan, which clearly shows that the petitioner was never recognised by the respondents as tenant. Therefore, as rightly pointed out by the learned counsel for the respondents, the petitioner is not entitled to question the impugned eviction proceedings, simply by contending that he is a partner with the said E.Aravindhan. It is to be noted that allotment was issued only in the individual name not in the partnership name. Therefore, I find no merits to entertain this writ petition. However, as it is

evident that Chennai Corporation has issued license to the petitioner to run the tea stall in the subject matter premises and the admitted fact remains that the petitioner is in possession of the same and further considering the present pandemic situation and also considering the fact that the petitioner is running a tea stall to eke his livelihood, only as a matter of sympathetic consideration, the petitioner is permitted to vacate and hand over the vacant possession of premises within a period of three months from today, failing which, the respondents can take action to evict the petitioner from the subject matter premises in a manner known to law.

8. The Writ Petition is disposed of with the above observation. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsi/vri

To

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 015.
2. The Executive Engineer and
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Anna Nagar Division,
Thirumangalam, Chennai 600 101.

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