

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.10774 of 2020

and

WMP Nos.13093 and 13095 of 2020

G.Fathima Bi

W/o.Late Abdul Gafoor

No.133/5, G.Block, Anna Nagar East

Chennai-600 102.

...Petitioner

Vs

1. The Managing Director,
Tamilnadu Housing Board,
Nandanam,
Chennai 600 015.

2. The Executive Engineer and Administrative Officer,
Tamilnadu 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 certiorari to call for the records relating to the impugned notice of the second respondent herein dated 21.07.2020 in K.No.A.No.A.11.3/1034/78 and quash the same.

For Petitioner : Mrs.AL.Gandhimathi
For Respondent : Mr.R.Bharath Kumar
standing counsel

O R D E R

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

2. Heard both sides.

3. The petitioner is aggrieved against the eviction notice issued by the second respondent dated 21.07.2020.

4. The case of the petitioner is that her husband was allotted a vacant plot by the respondents in the year 1978 and the petitioner's husband has put up construction in that area

with the approval of the Housing Board and was running Fish and Mutton stall. After death of the petitioner's husband, the petitioner has given a letter to the respondent- Tamil Nadu Housing Board for transferring the shop in her name. However, the Housing Board has called upon the petitioner to vacate and hand over the possession on the reason that they are going to demolish the existing building and put up a new shopping complex. Challenging the said notice, the petitioner has filed the present writ petition.

5. After hearing both sides and considering the fact that the Housing Board is intending to demolish the existing structure and put up a new shopping complex, the petitioner cannot be permitted to stay in the said place any more. However, considering the present state of affairs viz., pandemic caused due to Covid-19 and the continuous lock down issued by the Government, this Court is of the view that only on sympathetic ground, the petitioner can be granted some breathing time to vacate and hand over the vacant possession to the respondent.

6. Accordingly, three months time is granted to the petitioner from the date of this order to vacate and hand over vacant possession. In other words, the petitioner should vacate and hand over the vacant possession on or before 07.12.2020 to the respondent. If the petitioner fails to vacate and hand over the vacant possession within the time granted by this Court, it is open to the respondents to take possession with the help of police. If the petitioner has any arrears, the same shall be paid and shall continue to pay the rent till she vacates. This writ petition is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

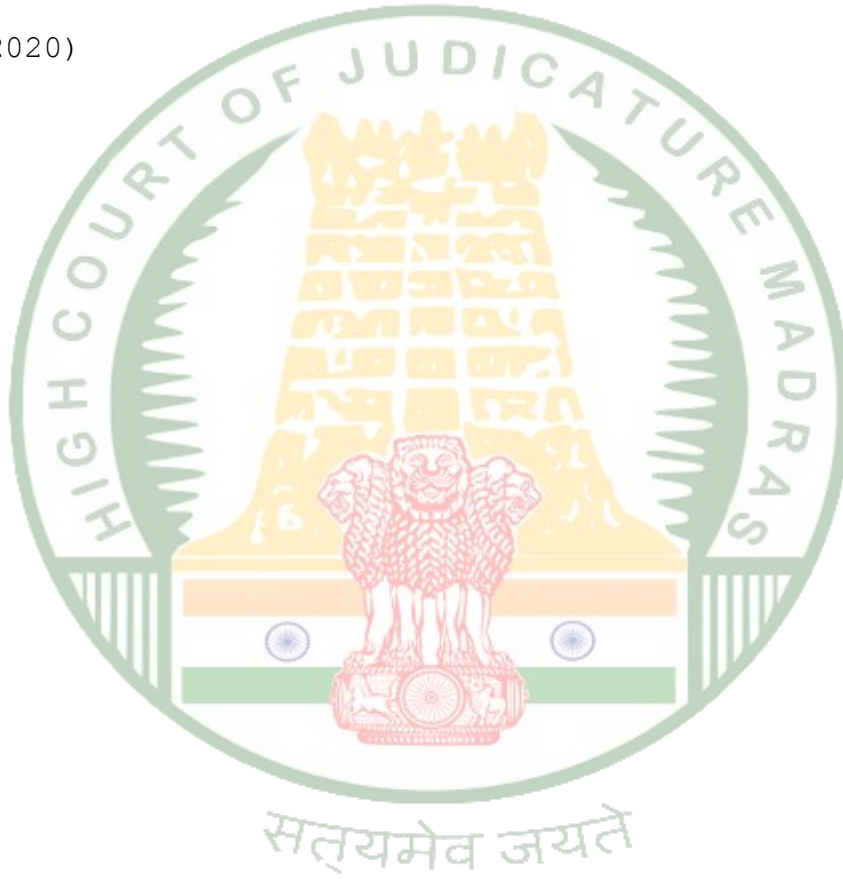
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+1cc to AL.Gandhimathi, Advocate in SR.NO..29393

W.P.No.10774 of 2020

AJS (CO)
RV(08/10/2020)



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