

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.10905 & 12019 of 2020 and
W.M.P. Nos.13244 & 14757 of 2020
(Heard through VC)

W.P. No.10905 of 2020

I.A.R.Pandian

..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 respondents pertaining to the notice A. No.A.II.3/15069/18 dated 21.07.2020, quash the same and to direct the respondents to consider the representations of the petitioner dated 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 Ramaiah
for Mr.N.A.Kareem

For Respondents-1 & 2 : Mr.P.H.Arvind Pandian, AAG
for Mr.R.Bharath Kumar for R1&R2

W.P. No.12019 of 2020

Muthu News Mart

Represented by its Proprietor A.Subramanian

..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

3. Rangarajalu Naidu ..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 2nd respondent pertaining to the notice A. No.A.II.3/3785/83 dated 16.07.2020, quash the same and to direct the respondents 1 and 2 to consider the representations of the petitioner dated 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 Ramaiah

For Respondents-1 & 2 : Mr.P.H.Arvind Pandian, AAG
for Mr.R.Bharath Kumar for R1&R2
Mr.K.Govi Ganesan, for R3

COMMON ORDER

The petitioners have sought for a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent pertaining to the notices in A. No.A.II.3/15069/18 dated 21.07.2020 and A. No.A.II.3/3785/83 dated 16.07.2020, quash the same and to direct the respondents 1 and 2 to consider the representations of the petitioner dated 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.

2. Both the petitioners are occupying a portion of the building known as "Chinthamani Cooperative Society Complex" in Plot Nos.586, 587 & 568, Chinthamani, Anna Nagar East, Chennai - 600102. 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.

3. After hearing both the sides for some time, it was brought to the notice of this court that earlier orders passed by the learned single Judge, in which, time was granted till 07.11.2020, 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.

4. The learned counsel appearing for the petitioner in both 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.

5. As already the Division Bench has granted time till 07.12.2020 only, further time sought for by the learned counsel appearing for the third respondent in W.P. No.12019/2020 is unacceptable. Hence 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. No costs. Consequently, the connected writ miscellaneous petitions are closed.

सत्यमेव जयते Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Asr

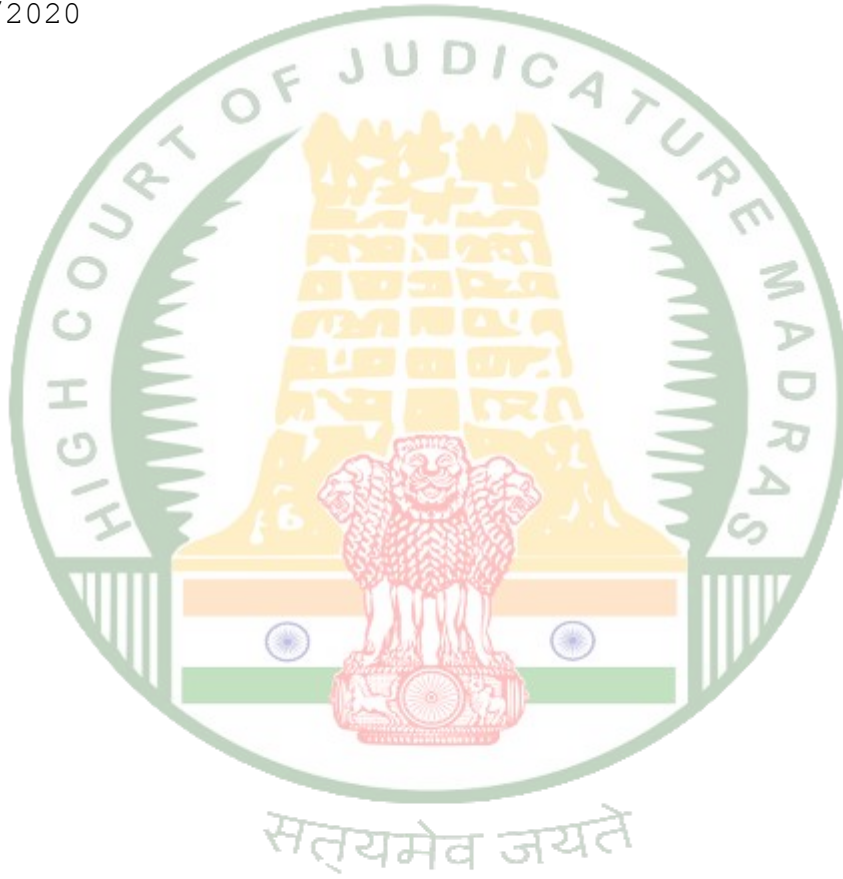
To

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

W.P.Nos.10905 & 12019 of 2020 and
W.M.P. Nos.13244 & 14757 of 2020

BP (CO)
KKV/03/12/2020



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