

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2020

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.Nos.11449, 11451 & 11452 of 2020
and

W.M.P.No.13967, 13971 & 13982 of 2020

J.H.Cool Bar,
represented by Proprietor,
C.Vellaisamy,
Shop No.3, G-133, Chinthamani Complex,
Anna Nagar East,
Chennai - 600 102. ... Petitioner in
W.P.11449/2020

Chinthamani Tea Stall
represented by Proprietor,
C.Velusamy,
Shop No.1, G-133, Chinthamani Complex,
Anna Nagar East,
Chennai - 600 102. ... Petitioner in
W.P.11451/2020

Mano Xerox
represented by Proprietor,
Mrs.Sapanas Begam
Shop No.8, G-133, Chinthamani Complex,
Anna Nagar East, Chennai - 600 102. ... Petitioner in
W.P.11452/2020

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.

...1st & 2nd respondents in all
the W.Ps.

3. E.Aravarasan,
G-133, Chinthamani Complex,
Anna Nagar East,
Chennai - 600 102. ... 3rd Respondent in
W.P.No.11449/2020
4. Meyyappan,
G-133, Chinthamani Complex,
Anna Nagar East,
Chennai - 600 102. ... 3rd Respondent in
W.P.No.11451/2020
5. A.Madasamy,
G-133, Chinthamani Complex,
Anna Nagar East,
Chennai - 600 102. ... 3rd Respondent in
W.P.No.11452/2020

Prayer:

Writ Petition No.11449/2020 is filed under Article 226 of the Constitution of India, praying Writ of Certiorarified Mandamus to call for the records of the 2nd respondent pertaining to the notice A.No.A.II.3/9497/95 dated 21.07.2020 and quash the same and to direct the respondents to consider the representations of the petitioner dated 28.07.2020 and 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, Chintamani Anna Nagar East, Chennai - 600 102, pursuant to and in terms of the Board Resolution dated No.9.06 dated 30.10.2009.

Writ Petition No.11451/2020 is filed under Article 226 of the Constitution of India, praying Writ of Certiorarified Mandamus to call for the records of the 2nd respondent pertaining to the notice A.No.A.II.3/1531/957 dated 21.07.2020 and quash the same and to direct the respondents to consider the representations of the petitioner dated 28.07.2020 and 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, Chintamani Anna Nagar East, Chennai - 600 102, pursuant to and in terms of the Board Resolution dated No.9.06 dated

30.10.2009.

Writ Petition No.11452/2020 is filed under Article 226 of the Constitution of India praying Writ of Certiorarified Mandamus to call for the records of the 2nd respondent pertaining to the notice A.No.A.II.3/685A/86 dated 21.07.2020 and quash the same and to direct the respondents to consider the representations of the petitioner dated 28.07.2020 and 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, Chintamani Anna Nagar East, Chennai - 600 102, pursuant to and in terms of the Board Resolution dated No.9.06 dated 30.10.2009.

For Petitioners in all W.P.s : Mr.N.A.Kareem
For Respondents in all W.P.s : Mr.R.Bharathkumar
Standing Counsel for Housing Board
for R1 and R2

C O M M O N O R D E R

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

2. Heard both sides.

3. The petitioners are aggrieved against the eviction notices issued by the 2nd respondent dated 21.07.2020.

4. The case of the petitioners is that originally open space plots were allotted to the 3rd respondents and the original allottees had authorised the petitioners to run the shops and the shops were constructed with sheeted roof. The petitioners are running J.H.Cool Bar, Chinthamani Tea Stall and Mano Xerox respectively and the Corporation licence was issued in the name of the petitioners. Now, the respondents have called upon the petitioners to vacate and handover possession on the reason that they are going to demolish the existing building and put up a new shopping complex therein. Challenging the said notices, the petitioners have come by way of the present writ petitions.

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 petitioners cannot be permitted to stay in the said place any more. However, considering the present state of affairs, namely, the 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 petitioners can be granted some breathing time to vacate and hand over possession to the respondents.

6. Accordingly, three months time is granted from the date of this order to the petitioners to vacate and hand over vacant possession. In other words, the petitioners should vacate and hand over vacant possession on or before 07.12.2020. If the petitioners fail to vacate and handover 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 petitioners have any arrears, the same shall be paid and shall continue to pay the rent till they vacate the shop.

7. The Writ Petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CSIII)

True Copy

Sub-Assistant Registrar

mk/vsi
To

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.

W.P.Nos.11449, 11451 & 11452 of 2020

ssv(co)
aa23/10/2020