

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2020

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14726 of 2020

and

W.M.P.Nos.18297 & 18299 of 2020

(Heard through VC)

1.S.Seetharaman
2.K.Chandran
3.P.J.Ahamed Basha
4.J.Venkatesan
5.K.P.Kasi
6.V.Mohamed Yagu
7.S.Manoharan
8.M.G.Selvam
9.M.G.Venkatesan
10.V.Santhosh Kumar

... Petitioners

Vs.

1.The Government of Tamil Nadu,
Rep. by the Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.

2.The Executive Engineer,
Tamil Nadu Housing Board,
Pattinapakkam Division,
Anna Salai, Nandanam,
Chennai - 600 035.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation dated 01.10.2020 and consequently extend the time from 10.10.2020 by one year for vacating and handing over possession of the respective shops of the petitioners situate at Government Employees residential colony at Peters Road Colony, Royapettai, Chennai - 600 014 in so far as the petitioners are concerned.

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For Petitioners : Mr.S.Senthilnathan
For Respondent-1 : Mr.V.Shanmugasundar
Special Government Pleader
For Respondent-2 : Mr.P.H.Aravind Pandian
Assisted by
Mr.R.Bharath Kumar

O R D E R

The relief sought for in this writ petition is to direct the respondents to consider the representation dated 01.10.2020 seeking one year time for the petitioners to vacate and hand over possession to the second respondent-Housing Board.

2. Heard both sides and perused the materials available on record.

3. It is vehemently opposed by the learned counsel for the second respondent-Housing Board that most of the occupants are not even the original allottees. They are either a sub-lettee or legal heirs of the original allottees, who were occupying without any license or permission from the Housing Board. It is also pointed out by the learned counsel for the second respondent that notices were issued as early as on 08.03.2019 and 24.06.2019 to the petitioners requesting them to hand over peaceful possession of the shops to the Tamil Nadu Housing Board within 15 days from the date of receipt of such notices. Already 88 tenements have vacated from the premises. It is also stated that 62 tenements have voluntarily come forward and received their alternate accommodation, who were all residential occupants. Therefore, they were provided alternate accommodation. The petitioners are occupying the premises for commercial use, therefore, they cannot be granted even alternate accommodation.

4. However, considering the plight of the petitioners, despite the objection of the learned counsel for the second respondent, with the consent of both sides, the time for vacating the premises is extended till 31.12.2020. The petitioners are directed to vacate the premises smoothly on or before the above said dead line, as the time is granted only on consent. If they are not vacating the premises, it is open to the respondents to take appropriate action to evict the petitioners from the premises.

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5. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi/asr

To

1.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.

2.The Executive Engineer,
Tamil Nadu Housing Board,
Pattinapakkam Division,
Anna Salai, Nandanam,
Chennai - 600 035.

+2cc to M/s.S.Senthilnathan, Advocate SR.34607
+1cc to M/s.R.Bharath Kumar, Advocate SR.34741

W.P.No.14726 of 2020
and
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SR(CO)
CB(10/11/2020)

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