

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE M.S.RAMESH

W.A.No.1041 of 2020

Arun Snack Bar,
rep. by its Proprietor,
S.Muthu ... Appellant

vs.

1.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai 15

2.The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam, Chennai 101 ... Respondents

Writ Appeal filed against the order dated 07.08.2020 in
W.P.No.10468 of 2020 on the file of this Court.

Prayer in WP.No. 10468 of 2020: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 Appellant : Mr.Haja Mohideen Gisthi
for Mr.K.Govi Ganesan

For Respondents: Mr.P.H.Aravind Pandian,
Additional Advocate General,
Assisted by Mr.R.Bharath Kumar,
for Tamil Nadu Housing Board

JUDGMENT
(Delivered by DR.VINEET KOTHARI, J.)

The only prayer made before us in the present intra court appeal against the order dated 7.8.2020 of the learned Single Judge is that the learned Single Judge had granted three months time for eviction of the appellant from the shop in question situated in the Commercial Complex known as 'Chinthamani Cooperative Society Complex', at Plot Nos.586, 587 and 568, Chinthamani, Anna Nagar East, Chennai. The three said three months period had expired on 7.11.2020. But due to the current festive season, the only prayer made before us by Mr.Haja Mohideen Gisthi, learned counsel for the Appellant, is that the time period may be extended up to 7.12.2020 as done in some of such similar cases by the same learned Single Judge. He undertakes that no further extension of time would be sought and the vacant position of the shop in question would be handed over to the respondent on or before 7.12.2020.

2. The learned Additional Advocate General Mr.Aravind Pandian, appearing for the Respondents submits that subject to the condition of no further extension, and also payment of arrears of rent, time may be extended up to 7.12.2020.

3. With the slight modification that the three months period granted by the learned Single Judge, in the order impunged before us, dated 7.8.2020, would extend up to 7.12.2020, the Writ Appeal is disposed of. This extension of time is granted subject to the condition that arrears of rent, if any, shall be cleared by the Appellant immediately, in any case, on or before 7.12.2020. If the arrears are not cleared, the Respondents would be free to claim compensation from the Appellant by moving appropriate application with reference to this judgment. It is made clear that no further extension of time shall be granted under any circumstances.

4. With this modification, the Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petition in C.M.P.No.12897 of 2020 is also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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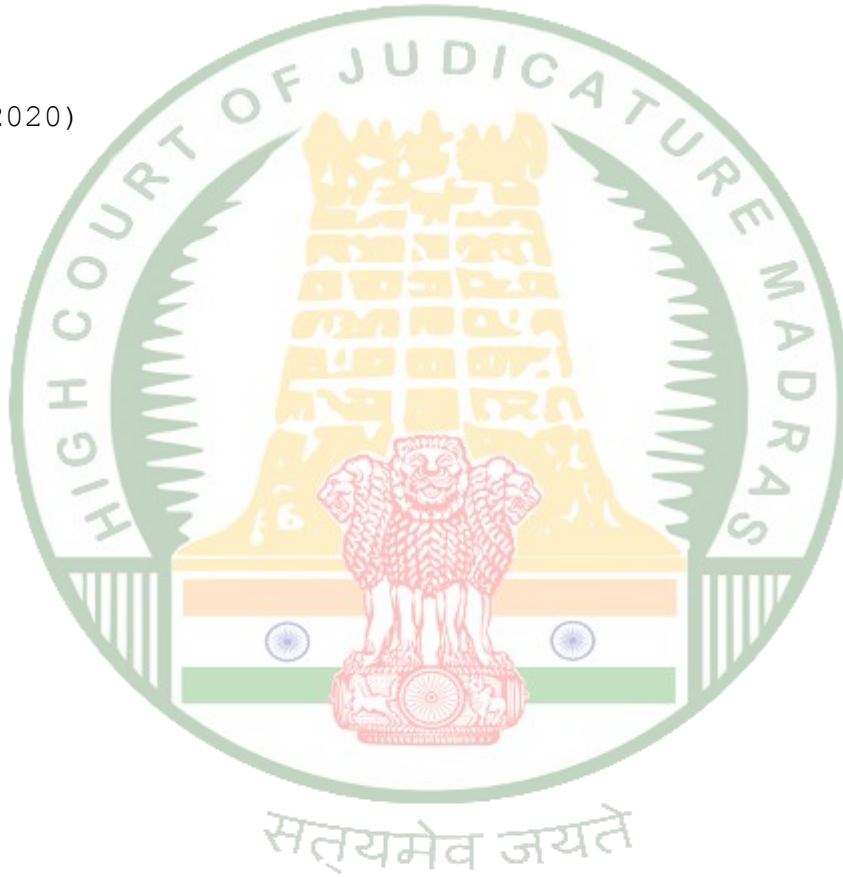
To

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2.The Executive Engineer and
Administrative Officer,
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RR(CO)
GN(29/12/2020)



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