

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.17364 of 2020
and
W.M.P.No.21510 of 2020
(Heard through VC)

Bismi Communications,
Represented by its Proprietor,
Mrs.K.Sutha Rani,
Anna Nagar East,
Chennai - 600 102. ... 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: Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent pertaining to the notice A.No.A.II.3/3082/86, 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" Plot Nos.586, 587 and 568, Chintamani Plot No.586, 587 and 568, Chintamani, 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.M.Arun

For Respondents : Mr.R.Bharathkumar

O R D E R

The writ petition has been filed challenging the order of eviction dated 21.07.2020 issued to the original allottee B.Aginees in Proceedings No.A.No.A.II.3/3082/86 and consequential direction to the respondents to consider the representations of the petitioner dated 28.07.2020 requesting 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" Plot Nos.586, 587 and 568, Chintamani, Anna Nagar East, Chennai - 600 102 pursuant to and in terms of the Board Resolution No.9.06 dated 30.10.2009. The impugned order has called upon the petitioner to evict the premises on or before 10.08.2020.

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

3. At the time of admission, the learned counsel appearing for the petitioner represented that the order that may be passed in W.A.SR.Nos.84214 to 84218 of 2020 pending before the Division Bench of this Court will have a bearing on this writ petition.

4. Today, the learned counsel appearing for the Housing Board would mention that on 14.12.2020, the said Writ Appeal Nos.1124 to 1128 of 2020 were dismissed. The time granted in those appeals were only up to 07.12.2020, though the appeals were dismissed. Therefore, the petitioner, who is also on the same footing cannot have better indulgence from this Court than to vacate the premises and hand over the possession. The learned counsel appearing for the respondent would vehemently contend that the petitioner is not even a tenant and he has been squatting over the property unauthorisely all these years. The petitioner is also said to be in arrears of rent from February, 2020.

5. Hence, the petitioner is directed to pay all the arrears before vacating the premises and the petitioner is granted time till 31.12.2020. The petitioner is also directed to file an affidavit before the Registry on 21.12.2020 undertaking to pay the arrears of rent on the same day including the month of December, 2020. If the petitioner fails to file an affidavit and to pay the arrears of rent as mentioned above within the time stipulated, it is open to the respondents to take action forthwith.

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

Sd/-

Assistant Registrar(CS)

//True Copy//

rsi

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.

+1cc to Mr.N.A.Kareem , Advocate SR.No. 41371

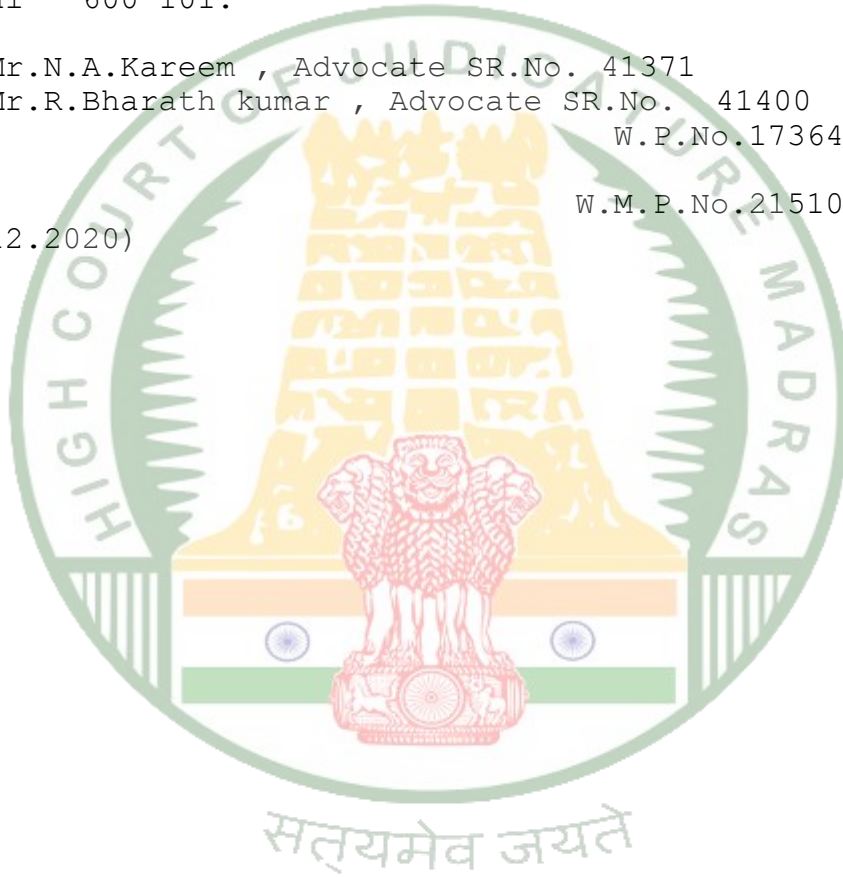
+1cc to Mr.R.Bharath kumar , Advocate SR.No. 41400

W.P.No.17364 of 2020

and

W.M.P.No.21510 of 2020

A.Sk(22.12.2020)



WEB COPY