

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4.12.2020

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI

AND

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.A.No.1094 of 2020

and

C.M.P.No.13358 of 2020

G.Fathima Bi

..Appellant

Versus

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 015.

2. The Executive Engineer and
Administrative Officer,
Tamilnadu Housing Board,
Anna Nagar Division,
Thirumanagalam, Chennai 600 101.

..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 8.9.2020 in W.P.No.10774 of 2020 passed by this court.

W.P.No.10774 of 2020:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the impugned notice of the Second Respondent herein dated 21.07.2020 in K.No.A. No. A11.3/1034/78 and quash the same.

For Appellant : Mr.S.Srinivasan

For Respondent: P.H.Arvind Pandian,
Additional Advocate General
assisted by
Mr.R.Bharathkumar

JUDGMENT

(Judgment of the court was made by Dr.VINEET KOTHARI, J.)

The controversy involved in the present Writ Appeal is squarely covered by the order of this court in W.A.No.1041 of

2020 Arun Snack Bar v. The Managing Director, Tamil Nadu Housing Board and another decided on 10.11.2020. The said order is quoted below for ready reference:-

"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 impugned 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."

2. In the present matter also, the learned Single Judge while dismissing the W.P.No.10774 of 2020 the filed by the present Appellant Fathima Bi has directed the Petitioner to hand over the vacant possession on or before 7.12.2020.

3. Since parity of the dates for handing over the vacant possession is maintained in both the cases, one by this Division Bench of this Court and another by the learned Single Judge, we are not inclined to interfere with the order passed by the learned Single Judge. The Writ Appeal is devoid of merits and the same is liable to be dismissed. Accordingly, it is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssk.

To:

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 015.
2. The Executive Engineer and
Administrative Officer,
Tamilnadu Housing Board,
Anna Nagar Division,
Thirumanagalam, Chennai 600 101

+1 CC to Mr.R.Bharathkumar, Advocate sr 39367.

+1 CC to Mr.S.Srinivasan, Advocate sr 39410.

W.A.No.1094 of 2020

SPD(CO)
SP(10/12/2020)

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