

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.02.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.32135 of 2019
and WMP No.32414 of 2019

Jayalakshmi Ramasamy

.. Petitioner

..Vs..

1. The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 019.
2. The Executive Engineer,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.
3. The Executive Engineer cum
Administrative Officer,
Nandanam Division,
Tamil Nadu Housing Board,
No.485, MTP Building,
Nandanam,
Chennai - 600 035.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent under proceedings No.NTR.7/970/2014 including the letter dated 16.07.2019 and quash the same and further direct the respondents to consider the request of the petitioner for extension of lease of the apartment bearing No.A-3, Lloyds Colony Scheme Area, Royapettah, Chennai - 600 014, for a period of two years.

For Petitioner : Mr.V.G.Suresh Kumar

For Respondents : Mr.N.Inbanathan, (for R1)
Additional Government Pleader

Mr.R.Bharath kumar (for R2 and R3)

ORDER

The writ petition has been filed in the nature of certiorari mandamus, questioning the letter of the 3rd respondent dated 16.07.2019, issued in proceedings No.NTR.7/970/2014 and consequently, seeking a direction against the respondents namely the officials of the Tamil Nadu Housing Board to consider the request of the petitioner for extension of lease of the Apartment bearing No.A-3, Llyods colony Scheme Area, Royapettah, Chennai -14 for a period of two years.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. By consent, orders are passed in the main writ petition.

4. The daughter of the writ petitioner by name Vasanthi Stanley was a member of Rajya Sabha. At that particular point of time, she was allotted a Flat by the Tamil Nadu Housing Board on rent and subject to terms and conditions. The provisional allotment of the said apartment was confirmed on 20.12.2010.

5. Unfortunately, the allottee Vasanthi Stanley died at the age of 56 years on 27.04.2019. The petitioner, the mother who is aged about 72 years, sought extension of time to continue to reside in the said flat. However, by the impugned letter, permission was refused and six months' time alone was granted. Therefore, seeking extension of time and also questioning the letter dated 16.07.2019, the present writ petition has been filed.

6. Pending writ petition, this court had called on the petitioner to file an affidavit giving a time limit within which she would actually vacate the premises. An affidavit has been filed today. In the affidavit, it had been stated as follows:

"3. I state that I was residing with my daughter in the flat bearing No.A3, Lloyds Colony Scheme Area, Tamil Nadu Housing Board, Royapettah, Chennai - 600 014, during her life time. I was depending on her and in fact, she had included me under the Central Government Health Scheme as a dependent to enable me to take quality medical treatment in Chennai.

4. I state that my daughter was supporting me during her life time and on her demise, I am living only on the family pension that I derive on account of my husband's employment in the Electricity Board.

5. I state that my other children are all residing away from Chennai. I state that my daughter died on 27.04.2019 and I am continuing in occupation of the apartment. I state that in the present writ petition I have prayed for extension of the lease of the apartment in my favour for a period of two years. I state that the main purpose of my residing in Chennai is to take medical treatment on account of my age related ailments. It is relevant to point out that the apartment had been given on lease to my late daughter under the public quota and general category.

6. I state that by reason of the fact that I am undergoing certain treatment, it is required that I stay in Chennai till at least the end of June 2020.

7. I state and undertake that I will vacate the apartment and hand over possession thereof to the Housing Board by 30.06.2020. I undertake to pay the rent and other charges due on the flat till the date on which I vacate and hand over possession thereof to the Housing Board.

7. The petitioner had stated that she was depending on her daughter and she has also pleaded that the main purpose to continue to reside in Chennai is to take medical treatment on account of her age related ailments.

8. The learned counsel for the respondents stated that as per policy conditions of the Housing Board, only six months' time would be given for extension and further extension cannot be granted.

9. I have carefully considered the submissions made by both parties.

10. In view of the fact that the present petitioner is not taking advantage of the allotment of the flat, but has on bonafide reasons, as a senior citizen, and as mother of the original allottee had undertaken that she would vacate the premises on or before 30.06.2020, this Court directs the respondents to grant time till 30.06.2020 for the petitioner to vacate the premises. The petitioner shall continue to pay the rent and other charges as is being done. But this extension of time would not give any further right to seek any further extension of time or further rights to continue to occupy the flat. It is also made clear that this order has been passed only under the circumstances stated and on the basis of the affidavit filed in this particular case. It cannot be construed as a general direction to the Housing Board to grant extension of time to legal heirs of allottees.

11. With the above observation, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 019.
2. The Executive Engineer,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.
3. The Executive Engineer cum
Administrative Officer,
Nandanam Division,
Tamil Nadu Housing Board,
No.485, MTP Building,
Nandanam, Chennai - 600 035.

+1 cc to M/s.VG.Suresh Kumar, Advocate Sr.No. 8936
+1 cc to Mr.R.Bharath Kumar, Advocate Sr.No.9124
+1 cc to The Government Pleader Sr.No. 9035

AKM/28.02.2020/4P- 7C /

सत्यमेव जयते

W.P.No.32135 of 2019 and
WMP No.32414 of 2019

WEB COPY