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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13462 of 2012

J.Poulas

...Petitioner

Vs

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

2. The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.

3. The Executive Engineer-cum-Administrative Officer,
Tamil Nadu Housing Board,
Nandanam Division,
Chennai - 600 035.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned notice of the third respondent bearing Letter No.N.T.R.9/1210/05 dated 22.03.2012 and quash the same.

For Petitioner : M/s.Sreenedhi
For M/s.P.Wilson Associates

For Respondents : Mr.C.Kathiravan
Government Advocate
For R1

: Mr.R.Bharath Kumar
For R2 and R3

ORDER

The Notice issued by the third respondent in proceedings, dated 22.03.2012, to vacate the Housing Board premises within 30 days is under challenge in the present writ petition.



2.The petitioner states that he was allotted with Flat No.503/1, Ground Floor, TNHB Flats, No.122/1, Santhome High Road, Mandavelipakkam, Chennai - 600 028, under Tamil Nadu Government Rental Housing Scheme, under letter dated 24.01.2001 subject to certain terms and conditions. The petitioner states that he is in possession and enjoyment of the said Flat and duly paying the monthly rent as demanded by the Tamil Nadu Housing Board from time to time. In the said Block, there are around 27 Flats.

3.The learned counsel appearing on behalf of the Tamil Nadu Housing Board made a submission that the Flats are in dilapidated condition and as per the assessment made by the Housing Board Engineers, the building is unfit for dwelling purposes. Thus, the Housing Board has taken a decision to demolish the building in the interest of the allottees and in the public interest. Such a decision taken by the Housing Board to demolish the building is unable to be implemented in view of the fact that some of the allottees are refusing to vacate the premises. They are continuing in possession by adopting a litigative tactics and keeping the writ petition pending for long years.

4.May that it be, the fact remains that the writ petition is pending for about eight years and citing the pendency of the writ petition, the petitioner has already been in possession for about 8 years.

5.Under these circumstances, yet another fact to be considered is that, another allottee had filed a writ petition in W.P.No.27443 of 2011 and this Court quashed the notice earlier issued and granted liberty to the Housing Board to issue a fresh notice in accordance with law. Pursuant to the orders of this Court in the above writ petition, the present impugned notice has been issued. Thus, the writ petition itself is not maintainable.

6.It is pertinent to note that the Tamil Nadu Housing Board has taken a decision that the said Flats are unfit for dwelling purposes in the year 2012 itself and issued notice, and issues are prolonged and protracted for about eight years and by this time, the condition of the building would be still worse. Under these circumstances, both in the interest of the persons who all are residing in such Quarters and in the interest of the public, it is necessary to evict these persons without any further delay.

7.At this point of time, the learned counsel for the petitioner made a submission that the petitioner is ready to vacate the premises and they require some time. On getting



instructions from the petitioner, the learned counsel for the petitioner undertook that the petitioner will vacate the premises and handover the possession to the Tamil Nadu Housing Board on or before 31.01.2022.

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8. In view of the undertaking, no further consideration is required. The petitioner is at liberty to submit any application for any other allotment, if he is otherwise eligible, in accordance with the Regulations in force.

With these observations, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nti/mkn

To

1. The Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.
3. The Executive Engineer-cum-Administrative Officer,
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+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.57566

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PCH[co]
NSK 01/12/2021