



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-11-2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP NO.1766 OF 2013

AND

MP NO.1 OF 2013

K.Arul Rani

..Petitioner

.vs.

1. The Tamil Nadu Housing Board,
Represented by its Chairman,
Anna Salai,
Nandanam,
Chennai - 600 035.

2. The Executive Engineer and
Administrative Officer,
Coimbatore Housing Unit,
Tamil Nadu Housing Board,
Tatabad,
Coimbatore - 641 012.

3. The Commissioner of Police,
O/o.The Police Commissioner,
Coimbatore Corporation,
Coimbatore - 641 018.

..Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records from the second respondent herein relating to his letter No.xJ.20/14419 /04/th/th/ dated 06.12.2012 and quash the same.

For Petitioner : Mr.V.Venkkatasamy

For Respondents-1&2: Mr.R.Bharath Kumar

For Respondent-3 : Mr.C.Jayaprakash,
Government Advocate.



O R D E R

The order dated 06.12.2012 passed by the second respondent- Executive Engineer and Administrative Officer, Coimbatore Housing Unit addressed to the Inspector of Police, Coimbatore City, is under challenge in the present writ petition.

2. The impugned order states that after the death of allottee, the Housing Board Flat was sublet by the petitioner. The petitioner is the wife of late Thiru.P.A.Kadhirvelu, who was the original allottee of the Housing Board bearing Flat No.D-3, I Floor, Punniakodi Street, R.S.Puram, Coimbatore and the said allotment was made in the year 1989.

3. The original allottee/husband of the petitioner late Thiru.P.A.Kadhirvelu admittedly died on 21.06.2006. After the demise, the wife of the original allottee continued her possession in the abovesaid Housing Board Flat. There was an allegation of subletting the abovesaid Housing Board Flat to some other third persons.

4. The Housing Board has stated that the petitioner has not paid the maintenance costs and the learned counsel for the Housing Board made a submission that as of now, the petitioner is liable to pay the rental arrears of Rs.1,12,250/-.

5. The learned counsel for the petitioner made a submission that in respect of maintenance charges, the petitioner has paid the same and she has enclosed the receipts for the same.

6. However, the learned Government Advocate for the third respondent made a submission that as of now the rental arrears to the tune of Rs.1,12,250/- and the same is yet to be paid by the petitioner. This apart, the petitioner continued her possession, by subletting the premises for the past about nine years and by virtue of the interim order passed in this writ petition, the petitioner has not paid the rent also punctually.

7. This Court is of the considered opinion that the husband of the petitioner was the original allottee. After his death, the allotment got lapsed and thereafter, petitioner was not granted with any allotment of house. Therefore, the petitioner ought to have vacated the premises at least within the reasonable period of time after the death of her husband.

8. Contrarily, the petitioner has not vacated the premises and by filing the present writ petition she continued her possession for about nine years and unfortunately, the rent also has not been paid promptly and also the arrears of rent to be



paid by the petitioner was to the tune of Rs.1,12,250/-.

9. Once the original allottee died, unless the allotment is transferred or a fresh allotment is granted, the petitioner is not entitled to continue her possession in the Housing Board Quarters. Allotment cannot be claimed by way of inheritance and the allotment lapses on the death of the original allottee. Thus, the petitioner has no right to continue her possession in the premises.

10. The continuance of possession in the premises for about nine years by virtue of the interim order itself is the concession granted to the petitioner. Therefore, the petitioner is liable to pay the arrears of rent and vacate the premises and handed over possession to the respondent-Housing Board.

11. Under these circumstances, this Court has no hesitation in forming an opinion that the petitioner has not established even a semblance of her legal right for the purpose of considering the relief, as such, sought for in the present writ petition. Consequently, the petitioner is directed to vacate the Housing Board premises, within a period of two months from the date of receipt of a copy of this order and settle the arrears of rent to be paid failing which the respondents are entitled to evict the petitioner without any further delay with the assistance of the jurisdictional police.

12. With the abovesaid directions, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Chairman,
Tamil Nadu Housing Board,
Anna Salai,
Nandanam,
Chennai - 600 035.



2. The Executive Engineer and
Administrative Officer,
Coimbatore Housing Unit,
Tamil Nadu Housing Board,
Tatabad,
Coimbatore - 641 012.

3. The Commissioner of Police,
O/o.The Police Commissioner,
Coimbatore Corporation,
Coimbatore - 641 018.

+1cc to Mr.V.Venkkatasamy, Advocate, S.R.No.58583
+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.58798
+1cc to the Government Pleader, S.R.No.58874

WP 1766 of 2013

SJ(CO)
PM/26/11/2021