



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20462 of 2012

and

M.P.No. 1 of 2012

Bhavesh D. Shah

... Petitioner

Vs.

1. The Tamil Nadu Housing Board,
Rep. 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,
Coimbatore - 18

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the respondents relating to the order dated 10.07.2012 of the second respondent in letter No. OTHU.12/14419/04-VA.VA. and quash the same and consequently forbear the respondents from in any manner evicting the petitioner from the residential premises at J-3, LIG Colony, Punniyakoti Street/Baskyarkarlu Road East, R.S.Puram, Coimbatore 641 002 except other than by due process of law.

For Petitioner : Mr.T.Saikrishnan

For Respondents : Mr.R.Bharath Kumar
For Respondents 1 and 2

: Mr.C.Kathiravan
Government Advocate
For Respondent 3

ORDER

The order passed by the second respondent in proceedings dated 10.07.2012 for eviction of the writ petitioner from the Tamil Nadu Housing Board Quarters, is under challenge in the present writ petition.



WEB COPY

2.It is not in dispute that the original allotment was made in favour of the father of the petitioner Bhavesh D. Shah. The petitioner is continuing in the Housing Board Quarters allotted in favour of his father.

3.Now, the petitioner made an application to transfer the name and it is contended by the learned counsel appearing on behalf of the Housing Board that there is no provision for such transfer and therefore, the application submitted by the petitioner was not entertained.

4.In the absence of any provision to transfer the allotment made, the petitioner cannot seek any such transfer. However, the petitioner has to submit a fresh application for fresh allotment, if he is otherwise eligible, in accordance with the Regulations. As far as the issue on hand is concerned, the petitioner has no right to seek any such transfer of allotment in his favour.

5.It is further brought to the notice of this Court that the petitioner has not paid the rent properly and arrears of rent is yet to be recovered.

6.The learned counsel for the petitioner states that the petitioner is paying the rent properly. However this fact is to be verified and appropriate actions are to be initiated. In respect of the order impugned, the petitioner has not established any right for the continuance in respect of the Housing Board Quarters allotted in favour of his father. Thus, the relief cannot be granted.

Accordingly, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

nti/mkn

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.

WEB COPY

3. The Commissioner of Police,
Coimbatore - 18

W.P.No.20462 of 2012

RGM(CO)
SB(03/12/2021)