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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1829 of 2022
and W.M.P.Nos.1962, 1964 and 1966 of 2022

1.Mrs.Kasi Rajeswari
2.Miss.S.Viveka ... Petitioners

Vs.

- 1.The Executive Engineer cum Administrative Officer,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam,
Chennai 600 040.
- 2.The Deputy Secretary (Revenue),
O/o. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai Nandanam,
Chennai 600 035.
- 3.The Chief Revenue Officer,
Tamil Nadu Housing Board,
Chennai Metropolitan Development Complex,
Market Road, Koyambedu,
Chennai 600 107. ...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in Letter No.ANA-2/35812018 dated 21.10.2021 and quash the same and direct the respondents to permit the petitioners continue to stay in the Tamil Nadu Government Rental Housing Scheme of Apartment No.B96 at (606), Thirumangalam, Chennai 600 040 by receiving the monthly rent of Rs.10,296/- per month till the 2nd petitioner get the job under compassionate ground in the place of deceased employee of V.Sankar Subramanian, Co-operative Sub Registrar, O/o.REGistrar of Co-operative Societies (Housing), Chennai 600 007.



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For Petitioner : Mr.Chithra Gomathy

For Respondent : Mr.Bharath Kumar
Government Advocate

O R D E R

The petitioner has filed this petition seeking issuance of writ of Certiorarified Mandamus calling for the records of the 1st respondent in Letter No.ANA-2/35812018 dated 21.10.2021 and quash the same and direct the respondents to permit the petitioners continue to stay in the Tamil Nadu Government Rental Housing Scheme of Apartment by receiving the monthly rent of Rs.10,296/- per month till the 2nd petitioner get the job under compassionate ground in the place of deceased employee.

2. The case of the petitioner is that her husband Thiru.V.Sankara Subramanian, was allotted a flat at Apartment No.B96 at (606), Thirumangalam, Chennai 600 040, under Tamil Nadu Government Rental Housing Scheme by the 2nd respondent, vide Allotment Order dated 20.08.2018. On 07.05.2019, her husband was suddenly died at the age of 51 years. At the date of death, her husband was worked as Co-operative Sub Registrar. Hence, the 1st petitioner made a request before the respondents 1 and 2 to live in the rented premises upto her daughter to complete her under graduation course and further she agreed to pay the last rental amount paid by her husband. The 2nd respondent herein also permitted them to live in the flat upto 3 months grace period from 07.05.2019, ie., the date of death of her husband to 06.08.2019. During this grace period, the petitioner has paid the three months rent also. On 06.01.2020, the 1st petitioner has once again made a representation to the respondents stating that the 2nd petitioner going to complete her engineering course in the year year 2021 and that she is applied for job under compassionate grounds, hence prayed the respondent to permit them to continue to stay in the rented premises on the rate of rent paid by her husband. While her representation dated 06.01.2020 pending before the respondents, on 21.10.2021, the 1st respondent issued a final demand notice as the petitioners are possessing and enjoying the premises without paying agreed rent and the petitioners received the said Demand Notice on 13.01.2022. It is the further case of the petitioner that the 2nd petitioner also applied for an job under compassionate ground before the Registrar of Cooperative (Housing), Vepery, Chennai 600 007 and the said process is going on and while the simultaneous process to get a job on compassionate ground is ongoing, the respondents herein has issued the impugned demand notice, due to which the petitioner is constrained to approach this Court by filing this Writ Petition.



3. The learned counsel appearing for the petitioner submitted that though the petitioners are willing to pay the last rental payment made by the deceased, the respondents failed to consider the same. Further even though the 2nd petitioner completed her Bachelor Degree in Civil Engineering Course in the month of May 2021, she could not able to find a job due to COVID 19 pandemic period. On 31.05.2019, the 2nd petitioner also applied for a job under compassionate ground before the Registrar of Cooperative (Housing), Vepery, Chennai and the petitioners are taking necessary action to get the job and further she agree to vacate the quarters within a period of three month and hence prays for appropriate orders of this Court.

4. The learned Government Advocate appearing for the respondents submitted that as per the Statute, after the death of the employee, the family of the said employee should vacate the premises within three months from the date of death of the employee. However in the present case on hand, since the petitioners made request to the respondents 1 and 2 to continue to live in the rented premises, the 2nd respondent had permitted them to live in the flat for the further period of three months and the six months period was expired much earlier, however the petitioner was continued to stay in the premises due to COVID 19 pandemic situation, which is impermissible as per the Board Regulations. Since the petitioners are possessing and enjoying the premises without paying agreed rent, the impugned demand notice dated 21.10.2021 was issued and the same cannot be found fault with and hence prays for dismissal of this petition.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. Though the petitioners were initially granted three months time by the respondents 1 and 2 to stay in the said premises, once again they came up with a request to continue to stay in the rented premises as her daughter applied for job on compassionate ground. However the respondents by following the Board Regulations has issued the impugned demand notice informing that the petitioners will be evicted on 29.10.2021.

7. This Court considering the limited prayer sought for by the petitioner and further considering the fact that the petitioners are women, grants further period of three months till 03.05.2022 to stay in the above said premises and the petitioners after expiry of the said three months period, shall handover the possession of the premises in question to the respondent Board. In the meantime, the petitioner is also directed to pay the arrears of rent amount to the respondent Board within a period of one week from the date of receipt of a



copy of this order and also further directed to pay the three months rental amount well in advance to the respondents, within a period of two weeks from the date of receipt of a copy of this order.

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8. The Writ Petition is disposed of with the above directions. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Executive Engineer cum Administrative Officer,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam,
Chennai 600 040.

2.The Deputy Secretary (Revenue),
O/o. The Managing Director,
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Chennai 600 035.

3.The Chief Revenue Officer,
Tamil Nadu Housing Board,
Chennai Metropolitan Development Complex,
Market Road, Koyambedu,
Chennai 600 107.

+1cc to M/s.Chitragomathy, Advocate Sr.6763
+1cc to M/s.R.Bharathkumar, Advocate Sr.7233

W.P.No.1829 of 2022

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srg 04/02/2022