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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.21940 of 2018

and

WMP.No. 25726 of 2018

S. Saroja

... Petitioner

Vs

The Tamil Nadu Housing Board,
rep. by its Managing Director/Chief Revenue Officer,
Nandanam,
Chennai 600 035

... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue orders of Writ of Certiorarified Mandamus to call for the proceedings of the respondent order No.VA.VA.P1/18394/NC-63/2016 dated 13.06.2017 and to quash the same and directing the respondent to transfer the said tenement bearing No.13/63, Nandanam Colony, 3rd Street, nandanam, Chennai 600 035 in favour of the petitioner being the lawful legal heir of the original allottee late V.Subramanian being his widow at the age of 80 years.

For petitioner ... Mr. P. Gunaraj

For respondent ... Mr. R.Bharath Kumar,
Senior Counsel

ORDER

This writ petition has been filed challenging the order passed by the respondent, Housing Board, asking the petitioner to vacate the premises, under Section 84 of the Tamilnadu Housing Board Act.

2. According to the petitioner, originally, the House in Door No.13/63, Nandanam Colony, 3rd Street, Nandanam, belongs to the Tamil Nadu Housing Board, was allotted to the petitioner's



husband, one V.Subramanian. Subsequently, he died on 06.12.2008. Thereafter, the respondent/Housing Board permitted her to reside therein. Now, she is 83 years old and living alone and there is no other person to look after, as her children are living at Bangalore. Hence, she made a request to the Housing Board to permit her to reside therein for some more time. Without considering the same, the impugned order has been passed directing the petitioner to vacate the premises, immediately. Now, challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner is 83 years old and living alone in the small tenement and she is not in a position to find a suitable accommodation elsewhere. Hence, two years time may be granted to the petitioner to enable her to vacate the premises. The petitioner has also filed an undertaking affidavit stating that she will vacate the premises after two years.

4. The learned Senior Counsel appearing for the respondent/Housing Board submitted that originally the house was allotted to the petitioner's husband, namely, V.Subramanian and he died in the year 2008. As per the Board Regulations, the house should be vacated within 6 months from the date of the death of the original allottee. However, the petitioner is in occupation of the premises more than 14 years. Hence, the impugned order came to be passed and there is no illegality in it.

5. I have considered the rival submissions and perused the materials available on records carefully.

6. Admittedly, the petitioner, being a widow, is aged about 83 years and she is living alone and nobody is there to take care of her, at this age, it is not possible for her to find a private accommodation, immediately. That apart, the petitioner has also filed an Affidavit of Undertaking stating that she will vacate the premises after two years.

7. Considering all those circumstances, even though the Board Regulation is not permitting her to continue the tenancy, considering the peculiar facts and circumstances of the case, this Court is inclined to direct the Housing Board to permit the petitioner to reside there till December 2023, and the petitioner is directed to vacate the premises on or before 31.12.2023, and if she fails to vacate the premises, the Housing Board is permitted to take possession of the said premises.



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

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Sd/-
Assistant Registrar (CS-CCC)

//True copy//

Sub Assistant Registrar

mrp

To

The Managing Director/Chief Revenue Officer,
Tamil Nadu Housing Board,
Nandanam,
Chennai 600 035

+1cc to Mr.P. Gunaraj, Advocate SR.No.14821

+1cc to Mr.R.Bharath Kumar, Advocate SR.No.15111

W.P. No.21940 of 2018

PMK (CO)
GMY (11/04/2022)