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W.P.No.31667 & 31682 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition Nos.31667 & 31682 of 2022

Mr.S.Lakshmanan,
S/o.Sami

... Petitioner in W.P.No.31667/2022

Mr.Sivakumar
S/o.Sinnappan

... Petitioner in W.P.No.31682/2022

-Vs-

1. The Chairman cum Managing Director,
Tamil Nadu State Housing Board,
Nanadanam, Chennai – 600 035.

2. The Executive Engineer cum Administrative Officer,
Tamil Nadu Housing Board,
Anna Nagar, Division,
Thirumangalam,
Chennai – 600 101.

... Respondents in both W.Ps.

Common Prayer : Writ Petitions under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the entire records relating to the order of the 2nd respondent bearing proceedings Notice No.A, EN.AA.II.3/349/1986 and No.A, EN.AA.II.3/13167/1986 respectively dated 28.10.2022 and quash the same and consequently directing the respondents to consider the petitioner



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representation dated 17.11.2022 and 21.11.2022 respectively in accordance with law.

For Petitioner : Mr.S.Senthilvel
[in both W.Ps.]

For Respondents : Mr.D.Veerasekaran
[in both W.Ps.] Standing Counsel

COMMON ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus to quash the impugned order of the second respondent bearing proceedings Notice No.A, EN.AA.II.3/349/1986 and No.A, EN.AA.II.3/13167/1986 respectively dated 28.10.2022 and consequently direct the respondents to consider the petitioners' representation dated 17.11.2022 and 21.11.2022 respectively in accordance with law.

2. Both the petitioner were allotted shops at Anna Nagar by the second respondent Housing Board long back and since the building, wherein the petitioners occupying the shops have become dilapidated, the respondents wanted to demolish the building and to reconstruct the same.



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3. In this regard, notice has been issued on 28.10.2022 to the petitioners to vacate the shops and handover the vacant possession to the respondents, so that the respondents can take steps to demolish the building and reconstruct the same.

4. Only at this juncture, the present writ petitions have been filed challenging the said notice issued by the second respondent dated 28.10.2022.

5. Heard Mr.S.Senthilvel, learned counsel appearing for the petitioner, who would submit that the petitioners are ready and willing to vacate the premises provided if three months time is granted, within which, they will find out an alternative place and vacate the premises and handover the vacant possession to the Housing Board.

6. However Mr.D.Veerasekaran, learned Standing Counsel appearing for the respondents, on instructions would submit that they have been enjoying the property of-course by paying the rent and doing commercial



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activity for decades together and since the building has become dilapidated immediate attention would be given to demolish the building and to reconstruct the same. Therefore, immediate attention of the premises is imminent. Hence, the learned Standing Counsel appearing for the respondents would submit that the maximum of two months period can be given to the petitioners, within which let them vacate the premises and handover the vacant possession to the respondents.

7. I have considered the said submission made by the learned counsel appearing for both sides.

8. Having regard to the said submissions made by the learned counsel appearing for the parties, where the petitioners are ready and willing to vacate the premises and they need three months time, however, the respondents wanted to give two months time, this Court is inclined to dispose of these writ petitions with the following orders:

That the petitioners shall vacate the respective premises, where they are in occupation of the building belongs to the respondents and



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handover the vacant possession to the respondents within a period of 75 days from the date of receipt of a copy of this order, failing which, it is open to the respondents to take any coercive steps to evict the petitioners from the premises and take the building to their hands for proceeding to demolish the same and to reconstruct the same.

With the above directions, these writ petitions are disposed of. No costs.

28.11.2022

Index : Yes/No
Internet : Yes/No
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To

1. The Chairman cum Managing Director,
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R. SURESH KUMAR, J.

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