



W.P.No.556 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED 26.06.2023

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN
AND
THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.P.No.556 of 2023
AND
W.M.P.Nos.505 & 506 of 2023

S.Vasudevan

.. Petitioner

Vs.

1.The Managing Director
Tamil Nadu Housing Board
CMDA Commercial Building
Koyembedu, Chennai 107

2.The Chief Revenue Officer
Tamil Nadu Housing Board
CMDA Commercial Building
Koyembedu, Chennai 107

3.The Executive Engineer-cum-Administrative Officer
Anna Nagar Division
Tamil Nadu Housing Board
Thirumangalam, Chennai 101

4.The Registrar General
High Court, Chennai 104

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records on the file of the 2nd respondent in Memorandum No.A.Va.P1/18650/2022 dated 27.10.2022 and quash the same.

For Petitioner : Mr.T.N.Rajagopalan
for Mr.N.Palanikumar
For R1 to R3 : Mr.D.Veerasekaran
Standing Counsel
For R4 : Mr.M.Fakkir Mohideen

ORDER

(Order of the court was made by R. MAHADEVAN, J.)

This writ petition has been filed to quash the memorandum No.A.Va.P1/18650/2022 dated 27.10.2022 issued by the 2nd respondent.

2. According to the petitioner, by order dated 28.06.2018, he was allotted the quarters in Door No.C-90, Thirumangalam, Chennai, under the Tamil Nadu Government Servants Rental Scheme, under the 15% reservation quota reserved for the Judicial Department. His mother is also residing along with him in the said quarters. During the surprise inspection of the Housing Board officials in Thirumangalam quarters on 09.07.2022, his mother was alone at home and they got her signature. Thereafter, the third respondent issued a notice dated 14.07.2022, calling upon the petitioner to give explanation as if he



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had sub-let the quarters to another person. Immediately, the petitioner submitted his reply to the said notice on 28.07.2022 and also appeared in person before the 3rd respondent on 03.08.2022 and produced all the relevant documents to the effect that he is residing in the quarters. Subsequently, he also submitted another reply on 08.08.2022 to the 3rd respondent along with required documents, such as, gas connection, ration card, bank pass book etc. However, the third respondent by letter dated 22.07.2022, instructed the fourth respondent / appointing authority to take disciplinary action against the petitioner, for subletting the quarters. While so, the petitioner sent a letter dated 26.10.2022 to the 2nd respondent stating that it is difficult for him to take his mother to Korattur for her treatment and therefore, he is surrendering the quarters. Though the 2nd respondent, by letter dated 27.10.2022, issued orders accepting the surrender of quarters, refused to receive the key from the petitioner on the ground that penal proceedings are pending, challenging which, the petitioner is before this Court.

3. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that the petitioner has surrendered the quarters and the Housing Board has also taken possession of the same. In support of the same, he produced a copy of the handing over/taken over certificate dated 15.02.2023



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issued by the third respondent Housing Board. The learned counsel further submitted that in such circumstances, there cannot be any claim by the Housing Board authorities against the petitioner.

4. On the above submissions, the learned Standing Counsel appearing for the respondents 1 to 3 / Tamil Nadu Housing Board, has not raised any objection.

5. In the light of the admitted fact that at the time of inspection, the mother of the petitioner was available in the quarters and her signature was also obtained by the Housing Board officials, and also taking note of the submissions made by the learned counsel on either side that the possession has been handed over by the petitioner and the same has been taken over by the respondent Housing Board, this court is of the opinion that no further proceedings need to be done. Hence, the proceedings of the 2nd respondent dated 27.10.2022, is quashed insofar as the recovery of penal interest is concerned. Accordingly, the writ petition stands disposed of. No costs. Connected miscellaneous petitions are closed.

[R.M.D,J.] [M.S.Q, J.]
26.06.2023

Internet : Yes
Neutral Citation : Yes/No
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