



WEB COPY



WP Nos.3571 & 3814 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. Nos.3571 and 3814 of 2020

and

WMP.No.4529 of 2020

K.Kanniappan

... Petitioner in W.P.No.3571 of 2020

Mohammed Sait

...Petitioner in W.P.No.3814 of 2020

Versus

The Executive Engineer,
Tamil Nadu Housing Board,
Anna Nagar Division, KK Nagar,
Chennai-78.

.. Respondent

Prayer in W.P.no.3571 of 2020: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondent from evicting the petitioner from open market shop No.B-8, Arumbakkam, Chennai-106 without following due procedure and in violation of principles of natural justice.

Prayer in W.P.No.3814 of 2020: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents from evicting the petitioner from the shop premises viz., Shop No.A2 to A5, MMDA Colony, Arumbakkam, Chennai-106 except under due process of law without following due procedure and in violation of principles of natural justice.



WP Nos.3571 & 3814 of 2020

WEB COPY

For Petitioners : Mr.S.M.Muralidharan (for W.P.no.3571/2020)
Mr.G.Kumaravel (for W.P.No.3814 of 2010)

For Respondents : Mr. D.Veerasekaran, SC
(for both the petitions)

COMMON ORDER

W.P.No.3571 of 2020 has been filed forbearing the respondent from evicting the petitioner from open market shop No.B-8, Arumbakkam, Chennai-106 without following due procedure and in violation of principles of natural justice.

2. W.P.No.3814 of 2020 has been filed forbearing the respondents from evicting the petitioner from the shop premises viz., Shop No.A2 to A5, MMDA Colony, Arumbakkam, Chennai-106 except under due process of law without following due procedure and in violation of principles of natural justice.

3. It is the grievance of the petitioners that they are running an open market which was allotted by the respondent in the aforesaid address and the petitioners have also paid the rent regularly. Such being the position, the petitioners made a representation to the respondent to provide with basic facilities and the same was not considered. However, the respondent issued a



WP Nos.3571 & 3814 of 2020

notice on 23.09.2019 to the petitioners demanding the arrears of rent. When the petitioners offered to pay the rent, the respondent refused to receive the same and taking effective steps to evict the petitioners from the aforesaid premises. Hence, the present writ petitions.

4. The learned standing counsel appearing for the respondent submitted that after filing the writ petitions, the petitioners have not paid any amount to the respondent Board. If the petitioners will pay the arrears of rent, the Board will decide the issue by invoking the provisions of the Tamil Nadu Housing Board Act, within the stipulated time as fixed by this Court.

5. The learned counsel for the petitioners submitted that the petitioners are ready to pay the arrears of rent within the stipulated time as fixed by this Court.

6. Heard both sides and perused the materials.

7. Considering the submissions made by the learned counsel on either side, this Court passes the following orders:

(i) The petitioners are directed to pay the entire arrears of rent to



WP Nos.3571 & 3814 of 2020

the respondent Board within a period of four weeks from the date of

WEB COPY *receipt of a copy of this order;*

(ii) upon receipt of such payment, the respondent shall decide the issue, after giving opportunity to the petitioners, on merits and in accordance with law, within a period of six weeks, thereafter; and

(iii) if the petitioners fail to pay the amount, the respondents shall evict the petitioner after following due procedure;

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

05.04.2023

Index : Yes/No

Internet : Yes/No

rli

To
The Executive Engineer,
Tamil Nadu Housing Board,
Anna Nagar Division, KK Nagar,
Chennai-78.



WEB COPY



WP Nos.3571 & 3814 of 2020

M. DHANDAPANI, J

rli

W.P. Nos.3571 and 3814 of 2020

05.04.2023