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W.P.No.21662 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21662 of 2017
and
W.M.P.No.22658 of 2017

P.Mohanasundaram

...Petitioner

Vs.

1.The State of Tamil Nadu,
Ministry of Housing and Urban,
Developing Department,
Rep.by Secretary and Commissioner,
Department of Housing and Urban
Development, Chennai – 9.

2.The Chairman,
Tamil Nadu Housing Board,
Nandanam,
Chennai – 600 035.

3.G.Sridhar, B.E.,
Executive Engineer/Administrative Officer,
Nandanam Division, Tamilnadu Housing Board,
Nandanam, Chennai – 35.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records and letter No.N.R.7/2522/99 dated 20.07.2017 passed by the 3rd respondent to quash



W.P.No.21662 of 2017

the same as illegal and direct the respondents not to disturb the peaceful possession and enjoyment of Flat B-2, Lloyds Colony, Royapettah, Chennai – 14.

For Petitioner : Mr.R.Sankarasubbu
For R1 : Mr.S.Ravichandran
Additional Government Pleader
For R2 & R3 : Mr.D.Veerasekaran
For Tamil Nadu Housing Board

ORDER

The writ petition has been instituted, challenging the order dated 20.07.2017, informing the petitioner about his illegal occupation of Flat No.B-2, Llyods Colony, Royapettah, Chennai and pay the arrears of rent, water and maintenance charges, failing which, the Housing Board will take action.

2. It is not in dispute that the petitioner was originally allotted with a Flat bearing No.RL-4, Llyods Colony, Royapettah, Chennai, under public quota and the petitioner admittedly occupied the said premises.

3. There was a family dispute between the petitioner and his wife, the petitioner along with one G.S.Ramchand, made a representation to the



W.P.No.21662 of 2017

Government and the Government permitted interchange of rental Flat Nos.RL-4 and B-2 in the Lloyds Colony, Royapettah, Chennai.

4. Admittedly, the Tamil Nadu Housing Board has not passed any order pursuant to the Government order in the year 1987 nor an allotment was granted in favour of the petitioner in respect of Flat No.B-2. The Government order was not acted upon. Pertinently, paragraph 3 of the Government order dated 09.02.1987 states that *“I am to request you to take necessary action for the interchange of the above apartments under intimation to Government.”*

5. The request made by the Deputy Secretary to Government has not been acted upon by the Tamil Nadu Housing Board nor the allotment of Flat No.RL-4 was cancelled nor Flat No.B-2 was allotted in favour of the petitioner. Even as on today, as per the Tamil Nadu Housing Board, the petitioner is the allottee of Flat No.RL-4 and he is in illegal occupation of Flat No.B-2 without any allotment order.

6. The learned counsel for the Tamil Nadu Housing Board brought to the notice of this Court that Flat No.RL-4, Llyods Colony, Royapettah, is in



W.P.No.21662 of 2017

occupation of the wife and daughter of the petitioner and the petitioner is in occupation of Flat No.B-2. At the outset, the petitioner is in occupation of two flats, which is not permissible under the Housing Board Regulations.

7. Rent in respect of Flat No.RL-4 alone is collected in the name of the writ petitioner and the rent in respect of Flat No.B2 is collected in the name of the original allottee Mr.G.S.Ramchand. The writ petitioner/Mr.P.Mohanasundaram is a lawyer, practising in Chennai and this being the factum, this Court asked the petitioner to be present in person before this Court to clarify these aspects.

8. The petitioner in person is present before this Court and voluntarily agreed to vacate Flat No.B-2, Llyods Colony within a period of one month from today. He being an Advocate, made an endorsement in the case bundle that he will vacate Flat No.B-2, Llyods Colony within a period of one month from today.



W.P.No.21662 of 2017

9. In view of the undertaking given by the petitioner that he will vacate the premises within a period of one month from today, this Court considered his age and took a lenient view, and thought fit not to proceed with the case on merits.

10. Accordingly, the writ petitioner is directed to vacate Flat No.B-2, Llyods Colony, Royapettah, Chennai, within a period of one month from today and hand over the vacant possession to the Tamil Nadu Housing Board. The Tamil Nadu Housing Board is at liberty to communicate the details regarding the arrears of rent, water or other charges to the petitioner, enabling the petitioner to pay the same and settle the issues with the Tamil Nadu Housing Board.

11. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

17.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes
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W.P.No.21662 of 2017

To

WEB COPY

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Department of Housing and Urban
Development,
The State of Tamil Nadu,
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Developing Department,
Chennai – 9.
2. The Chairman,
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W.P.No.21662 of 2017

S.M.SUBRAMANIAM, J.

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W.P.No.21662 of 2017

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