



W.P.No.27455 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.27455 of 2018
and
W.M.P.No.31969 of 2018

1. M.Gopinathan
 2. K.Nithyanandan
- ...Petitioners

Vs.

1. The Principal Secretary to Government,
Housing & Urban Development (HB5(2) Department,
Secretariat, Fort St. George,
Chennai - 600 009.
 2. Tamil Nadu Housing Board,
Rep. by its Principal Secretary / Managing Director,
Nandanam, Chennai - 600 035.
 3. The Executive Engineer cum Executive Officer,
Tamil Nadu Housing Board,
C.I.T. Nagar Division,
Nandanam, Chennai - 600 035.
- ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 1st Respondent under G.O.Ms.No.21 dated 29.01.2013 together with the consequential Notices issued to the Petitioners by the 3rd Respondent Notice under reference No.CIT Na.Ko./662/2017 dated 09.04.2018 and No.CIT Na.Ko.03/662/17 dated 25.05.2018 and No.CIT Na.Ko./662/2017 dated



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20.09.2018 to quash the same and forbear the respondents from evicting the petitioners from existing allotment.

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For Petitioners : Mr.J.B.Aadeish
for Mr.P.Wilson, Sr.C

For Respondents : Mr.Alagu Gowtham, GA, for R1
: Mr.D.Veerasekaran, for R2 & R3

ORDER

The petitioners have come up with this Writ petition seeking quashment of the proceedings of the 1st respondent in respect of the G.O.Ms.No.21 dated 29.01.2013 together with the consequential Notices issued by the 3rd Respondent under reference No.CIT Na.Ko./662/2017 dated 09.04.2018, No.CIT Na.Ko.03/662/17 dated 25.05.2018 and No.CIT Na.Ko./662/2017 dated 20.09.2018 and to consequently forbear the respondents from evicting the petitioners from existing allotment.

2. The case of the petitioners is that the petitioners are government servants/allottees of the Government Residential Quarters allotted by the Tamil Nadu Housing Board. The petitioners are government servants working in various departments and have been in occupation of the residential quarters allotted by the Tamil Nadu Housing Board in Tod-



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Hunter Nagar Division for a long time. While so, pursuant to the Government order in G.O.Ms.No.21, Housing and Urban Development (HB5-2) Department dated 29.01.2013 issued by the 1st respondent for the purpose of demolition of old flats and reconstruction of new quarters under the Tamil Nadu Government Rental Housing Scheme (TNGRHS) and Self Financing Scheme (SFS), the consequential notices dated 09.04.2018, 25.05.2018 and 20.09.2018 were issued by the 3rd respondent directing the petitioners to handover vacant possession within thirty days, failing which they would be evicted from the premises. Challenging the above said Government order and the consequential notices, the petitioners have come up with this Writ petition.

3. Learned counsel for the petitioners fairly submitted that the issue involved in the present Writ petition is no longer *res integra*, as the very same issue has been squarely covered by the decision of the Hon'ble Division Bench of this Court in the case of ***P.Ravisankar Vs. State of Tamil Nadu*** in ***W.A.No.2583 of 2018 dated 28.11.2018*** and also by the learned Single Judge of this Court, vide ***order dated 28.09.2018 made in W.P.Nos.13846***



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of 2018 and etc., batch of cases. For better appreciation, the relevant

portion of the said order of the Division Bench is extracted hereunder:

“11. Admittedly, the appellant/writ petitioner was allotted the said flat by way of discretionary quota which technically amount to out of turn allotment. The respondents having noted that the premises / flat in occupation of the appellant / writ petitioner has become dilapidated, called upon him to vacate and deliver vacant possession of the same and on receipt of the same, he has submitted a representation seeking an alternate accommodation. As rightly pointed out by the learned Additional Advocate General, the appellant/writ petitioner, as a matter of right, cannot seek an alternate accommodation in the absence of any policy decision/guidelines and it is also to be remembered at this juncture that claiming to be a social worker, the appellant/writ petitioner got allotment under the discretionary quota, which this Court has already pointed out as a out of turn allotment.”

4. In view of the above fact that the earlier petitions filed by the similarly situated persons seeking the very same relief were dismissed by this Court, the present Writ Petition also stands dismissed in terms of the above said order of the Hon'ble Division Bench of this Court dated 28.11.2018. No costs. Consequently, connected Miscellaneous Petition is



closed.

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(1/3)

skt

NCC : Yes / No

Speaking Order : Yes / No

Index : Yes / No

To

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Housing & Urban Development (HB5(2) Department,
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Though the present Miscellaneous petition has been filed by the petitioners seeking to permit them to jointly file a single Writ petition, however, it is pertinent to note that, the Registry has already made an endorsement in the petition itself to that effect that, "Full Court fee paid".

2. In view of the above endorsement made by the Registry, no further order is necessary in this Miscellaneous petition.

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in
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Dispense with ordered for the
present.

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(3/3)

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