



WEB COPY



W.P.Nos.28274, 31254, 3
34198 of 2023 & 2017 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.28274, 31254, 31854, 34198 of 2023 & 2017 of 2024

and

**W.M.P.No.27796, 27798, 30871, 31457, 31458,
34079 of 2023 & 2147 of 2024**

W.P.No.28274 of 2023:

N.Balakrishnan

... Petitioner

Vs.

1.Tamil Nadu Housing and Urban Development Department,
Represented by the Principal Secretary,
Fort St. George,
Chennai – 600 009.

2.Tamil Nadu Housing Board,
Represented by Managing Director,
CMDA Building, Koyembedu,
Chennai.

3.The Executive Engineer,
Tamil Nadu Housing Board,
Pattinapakkam Division,
Nandanam,
Chennai – 600 035.

4.Chief Revenue Officer,



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W.P.Nos.28274, 31254, 3
34198 of 2023 & 2017 of 2024

Tamil Nadu Housing Board,
CMDA Building,
E and C Shop Road,
Koyambedu,
Chennai – 600 107.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for records relating to the Order passed by the 1st respondent vide Letter No.12707/Vi.Va.3(2)/2022-5 dated 07.09.2023 and the order passed by the 4th respondent vide Letter No.Va.Vaa.Pi.2/13312/2015 dated 01.06.2022 and quash the same, and consequently forbear the Respondents from evicting the Petitioner from the allotted property at E-3 MIG Flats, TNHB Pattinapakkam, Chennai without following or contrary to the procedure and provisions under Tamil Nadu Housing Board Act, 1961.

For Petitioner	: Mr.Niranjana Rajagopalan For M/s.G.R.Associates
For R1	: Mr.K.Surendran Additional Government Pleader
For R2 to R4	: Mr.D.Veerasekaran Standing Counsel [For TNHB]

W.P.No.31254 of 2023:

M.Sathyabama

... Petitioner

Vs.

1.The Secretary to Government,



W.P.Nos.28274, 31254, 3
34198 of 2023 & 2017 of 2024

Department of Housing and Urban Development,
Tamil Nadu Government,
Secretariat,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu Housing Board,
Chennai – 600 107.

3.The Chief Revenue Officer,
Tamil Nadu Housing Board,
CMDA Commercial Complex,
E and C Shop Road,
Koyembedu,
Chennai – 600 107.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for records of the 1st respondent in Letter No.808/Vee.Va.3(2)/2023-6 dated 13.09.2023 and quash the same.

For Petitioner	: Mr.K.Sakthivel For Mr.A.S.Srinivasan
For R1	: Mr.K.Surendran Additional Government Pleader
For R2 & R3	: Mr.D.Veerasekaran Standing Counsel [For TNHB]

W.P.No.31854 of 2023:

Kavingar K Amudhone

... Petitioner

Vs.



W.P.Nos.28274, 31254, 3
34198 of 2023 & 2017 of 2024

1.The Secretary to Government,
Department of Housing and Urban Development,
Tamil Nadu Government,
Secretariat,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu Housing Board,
Chennai – 600 107.

3.The Chief Revenue Officer,
Tamil Nadu Housing Board,
CMDA Commercial Complex,
E and C Shop Road,
Koyembedu,
Chennai – 600 107.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for records of the 1st respondent in Letter No.808/Vee.Va.3(2)/2023-4 dated 13.09.2023 and quash the same.

For Petitioner : Mr.K.Sakthivel
For Mr.A.S.Srinivasan

For R1 : Mr.K.Surendran
Additional Government Pleader

For R2 & R3 : Mr.D.Veerasekaran
Standing Counsel
[For TNHB]



W.P.Nos.28274, 31254, 3
34198 of 2023 & 2017 of 2024

W.P.No.34198 of 2023:

T.Sivasubramanian

... Petitioner

Vs.

- 1.The Secretary to Government,
Housing Department,
Secretariat,
Chennai – 600 009.
- 2.The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai, Nandanam,
Chennai – 600 035.
- 3.The Chief Revenue Officer,
Tamil Nadu Housing Board,
CMDA Commercial Complex,
E and C Market Road,
Koyambedu,
Chennai – 600 107.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records in Letter No.4699524/Ve.Va.3(2) 2023-4 dated 03.10.2023 and quash the orders passed in Letter No.Va.Va.P4/13312/2015 dated 17.04.2023 by 3rd respondent.

For Petitioner	: Ms.E.Gayathri
For R1	: Mr.K.Surendran Additional Government Pleader
For R2 & R3	: Mr.D.Veerasekaran



WEB COPY

W.P.Nos.28274, 31254, 3
34198 of 2023 & 2017 of 2024



Standing Counsel
[For TNHB]

W.P.No.2017 of 2024:

R.Vasuki

... Petitioner

Vs.

- 1.The Secretary to Government,
Housing Department,
Secretariat,
Chennai – 600 009.
- 2.The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai, Nandanam,
Chennai – 600 035.
- 3.The Chief Revenue Officer,
Tamil Nadu Housing Board,
CMDA Commercial Complex,
E and C Market Road,
Koyambedu,
Chennai – 600 107.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records in Letter No.4699524/Ve.Va.3(2) 2023-4 dated 03.10.2023 and quash the orders passed in Letter No.Va.Va.P4/13312/2015 dated 17.04.2023 by 3rd respondent.

For Petitioner

: Ms.E.Gayathri



W.P.Nos.28274, 31254, 3
34198 of 2023 & 2017 of 2024

For R1

: Mr.K.Surendran
Additional Government Pleader

For R2 & R3

: Mr.D.Veerasekaran
Standing Counsel
[For TNHB]

COMMON ORDER

The writ petitions have been instituted questioning the validity of the cancellation of allotment made by the respondent / Tamil Nadu Housing Board.

2. The writ petitioners are tenants in occupation of the rental housing board at Pattinapakkam, Chennai – 600 028.

3. It is not in dispute that several blocks in Pattinapakkam Housing Unit had already been demolished by the Tamil Nadu Housing Board and hardly about four or five blocks are yet to be demolished, since a decision has been taken by the Tamil Nadu Housing Board to demolish the entire old building, which all are in dilapidated condition and proposed for a new project.



WEB COPY



W.P.Nos.28274, 31254, 3
34198 of 2023 & 2017 of 2024

4. The petitioners are residing in the rental building for several years.

5. The learned Standing Counsel appearing on behalf of the Tamil Nadu Housing Board would submit that the Engineers of the Housing Board assessed the buildings and submitted a technical report stating that the houses are not fit for dwelling purposes and it is in dilapidated condition. Day by day the condition of the building is deteriorating and people residing there are living at their own risk.

6. This Court is of the considered opinion that though the learned counsel for the petitioners disputed that the buildings are in liveable condition, the same deserves no merit considerations. The respondents could establish through photograph that the other nearby blocks were already demolished and the house occupied by the petitioners are also in bad condition. More so, the petitioners are tenants and they are liable to vacate the premises one or the other day. They cannot have any permanent residency in the housing board houses.



W.P.Nos.28274, 31254, 3
34198 of 2023 & 2017 of 2024

7. The grievances of the petitioners are that they are not heard before passing of the order.

8. Mr.Niranjan Rajagopalan, learned counsel for the petitioner in W.P.No.28274 of 2023 would submit that an opportunity which is contemplated under Section 84 of the Madras State Housing Board Act, 1961 has not been complied with and therefore, the order impugned is infirm.

9. This Court is of the considered opinion that the opportunity as contemplated under the Statutes and Regulations are to be complied with by the authorities. The respondents could not establish that such an opportunity was provided to the petitioners.

10. Thus, this Court is inclined to provide an opportunity to the petitioners to put forth their case before the respondents.

11. In view of the facts and circumstances, the petitioners are at liberty to submit their explanations / objections along with the documents, if any



W.P.Nos.28274, 31254, 3
34198 of 2023 & 2017 of 2024

before the competent authority within a period of two (2) weeks from today.

On receipt of such objections / explanations from the petitioners, the competent authority shall fix a date and time for personal appearance of the occupants and by providing an opportunity of personal hearing, the competent authority shall pass appropriate orders on merits and in accordance with law.

12. Beyond the facts placed between the parties, this Court is aware of the fact that the Tamil Nadu Housing Board building in Pattinapakkam, Chennai are in dilapidated condition and many number of blocks were already demolished and the life of the occupants are to be protected. These aspect are to be considered by the petitioners and the respondents and the respective learned counsels are also expected to advice the occupants to shift their residence to a safer place.



W.P.Nos.28274, 31254, 3
34198 of 2023 & 2017 of 2024

13. With the above directions, all the Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

25.04.2024
(1/2)

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Index : Yes
Speaking order
Neutral Citation : Yes

To

- 1.The Principal Secretary,
Tamil Nadu Housing and Urban Development Department,
Fort St. George,
Chennai – 600 009.
- 2.The Managing Director,
Tamil Nadu Housing Board,
CMDA Building, Koyembedu,
Chennai.
- 3.The Executive Engineer,
Tamil Nadu Housing Board,
Pattinapakkam Division,
Nandanam,
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- 4.Chief Revenue Officer,
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CMDA Building,
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WEB COPY



W.P.Nos.28274, 31254, 3
34198 of 2023 & 2017 of 2024

S.M.SUBRAMANIAM, J.

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34198 of 2023 & 2017 of 2024**

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(1/2)