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W.P.No.29656 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.29656 of 2019

and

W.M.P.Nos.29548 & 29549 of 2019,
16897 & 16899 of 2020,
1425, 1428 & 1430 of 2022.

K.T.S.Ravi

... Petitioner

Vs.

1. The Chairman and Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.

2. The Executive Engineer cum Administrative Officer,
C.I.T. Nagar, Tamil Nadu Housing Board,
(CIT Nagar Scheme), Nandanam,
Chennai - 600 035.

3. The Assistant Revenue Officer,
Tamil Nadu Housing Board, CIT Nagar Scheme,
Nandanam, Chennai - 600 035.

(R3 impleaded as per order dated 11/11/2019 made in WMP.31749/2019
in WP.29656/2019 by PDAJ)

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Certiorarified Mandamus, call for



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Records, relating to the Impugned Orders, issued by the 2nd respondent, dated 16.08.2019, in Letter No. C.I.T.Ko./ 04/ 2407/ 2009 and dated 18.09.2019 in Letter No. C.I.T.D./04/2407/ 2009, impugned order of the 2nd respondent, dated 11.10.2019 in Letter No.CIT.DIV / 04 / 2407 / 2009 and Impugned Order of the 3rd Respondent, dated 01.11.2019 in proceedings NIL and quash the same, further direct the Respondents herein to consider request of the Petitioner for sale of plot bearing Door No. 5, CIT Nagar, 1st Main Road, C.I.T. Nagar, Nandanam, Chennai-600 035.

(Prayer amended as per order dated 21/11/2019 made in WMP.32997/2019 in WP.29656/2019 by PDAJ)

For Petitioner : Mr.K.Venkataswamy Babu

For Respondents : Mr.D.Veera Sekaran
Standing Counsel (for TNHB)

ORDER

The Writ of Certiorarified Mandamus has been filed challenging the Impugned Orders, issued by the 2nd respondent, dated 16.08.2019, in Letter No. C.I.T.Ko./ 04/ 2407/ 2009 and dated 18.09.2019 in Letter No. C.I.T.D./04/2407/ 2009, impugned order of the 2nd respondent, dated 11.10.2019 in Letter No.CIT.DIV / 04 / 2407 / 2009 and Impugned Order of the 3rd Respondent, dated 01.11.2019 in proceedings NIL and quash the same, further direct the Respondents herein to consider request of the



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Petitioner for sale of plot bearing Door No. 5, CIT Nagar, 1st Main Road,
C.I.T. Nagar, Nandanam, Chennai-600 035.

2. The petitioner states that his father Mr.K.T.Somasundaram allotted with a vacant plot measuring an extent of 1200 sq.ft., bearing Door No.5, CIT Nagar, First Main Road, Nandanam, Chennai~600 035 on the ground that his father was a freedom fighter and undergone imprisonment in the British Rule. The petitioner further states that the allotment order and the relevant documents relating to the plot number and Door No.5, CIT Nagar, First Main Road, Nandanam, Chennai~600 035 were destroyed and washed away in the floods, which caused serious damage to Chennai City in the year 2015. Thus, the petitioner was not in a position to produce the allotment order issued in the name of his father.

3. After the death of his father, the Tamil Nadu Housing Board allotted the said plot in favour of his mother Tmt.Indira Somasundaram on 05.04.1991. The petitioner is using the said premises as Cinema Director-s Office in the name and style of “Mahalakshmi Cine Circle”, since he is the Director of Tamil Nadu and Kannada Films.

4. The petitioner states that he was paying the rent without



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any default upto the month of May 2021. The respondents 2 and 3 refused to receive the rent from the month of June 2021. The 2nd respondent issued an order on 16.08.2019 to hand over possession of the premises to the respondents. The petitioner made a representation to the respondents on 26.08.2019 not to disturb his possession. The said representation was rejected by an order dated 18.09.2019, which was also challenged.

5. Mr.K.Venkataswamy Babu, learned counsel for the petitioner, would contend that the respondents had dispossessed the petitioner in an illegal manner and demolished the shed constructed by his father. Therefore, the petitioner is entitled for compensation. The petitioner has stated that a group of people with the assistance of policemen came to the premises and forcibly evicted the petitioner and demolished the building.

6. The learned Standing Counsel for the respondent/Tamil Nadu Housing Board would oppose the contentions raised on behalf of the petitioner by stating that even as per the statement of the petitioner in the affidavit filed in support of the present writ petition, the shed constructed by the father of the writ petitioner was destroyed and washed away in the



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flood during the year 2015 and his possession was taken over by following the procedures as contemplated.

7. The proceedings of the Executive Engineer cum Administrative Officer, Tamil Nadu Housing Board dated 15.11.2021 would reveal that possession of premises was taken with the assistance of police by following the procedures. The petitioner could not produce any documents to establish that he is the lawful tenant under the Tamil Nadu Housing Board and admittedly, the petitioner has paid the rent till May 2021. Admittedly, the Tamil Nadu Housing Board has taken possession. As per the statement of the petitioner, the shed constructed by his father was washed away during 2015 flood in Chennai. In the absence of any right, though the petitioner states that the documents were washed away during 2015 flood, only a shed was constructed in the premises and even presuming that the Shed was demolished by the Housing Board, it was done by following the procedures contemplated and with the assistance of the police.

8. Beyond the statement of the petitioner for non production of allotment order, due to 2015 flood in Chennai City, the fact remains



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that the Tamil Nadu Housing Board had taken possession of the property with the assistance of the police, since the petitioner was an unauthorised occupant. Admittedly, no allotment order was granted in favour of the writ petitioner. The petitioner was not a tenant. Therefore, the petitioner is not entitled to claim possession or to seek compensation. More-so, the father of the writ petitioner was the original allottee of the property and after his death, the allotment was granted in favour of his mother and thereafter, it was not extended and there is no landlord - tenant relationship exists between the petitioner and the Tamil Nadu Housing Board. Thus the petitioner has not established any semblance of legal right to grant the relief as such sought for in the present writ petition.

9. Mr.D.Veerasekaran, learned Standing Counsel for the Tamil Nadu Housing Board would contend that the household articles kept in the premises were handed over to the petitioner and the petitioner acknowledged the receipt of the same.

10. That being so, no further consideration is required in respect of the grounds raised in the present writ petition.



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11. Accordingly, the present writ petition stands dismissed.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

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Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

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S.M.SUBRAMANIAM. J.,

(sha)

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