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W.P.No.36512 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.36512 of 2024 and
W.M.P.No.39357 and 39358 of 2024

- 1.Babu
- 2.Tmt.P.Anandhi
- 3.Nagarajan
- 4.Tmt.B.Usha
- 5.A.Rajesh Kumar
- 6.Ms.J.Muthu Abinaya
7. Ms.J.Pilomina
8. M.Chandrasekar
- 9.Kannan
- 10.Yesudoss
11. Tmt.S.Obulammal
- 12.K.Balaji
13. Tmt.Radhika
14. Tmt.Kamalam

...Petitioners

Vs.

1. The Secretary to Government of Tamil Nadu
Housing and Urban Development Department
Fort St.George, Secretariat
Chennai-600 009.
2. The Managing Director
Tamil Nadu Urban Habitat Development Board
No.5, Kamarajar Salai,
Triplicane, Chennai-600 005.



W.P.No.36512 of 2024.

3. The Executive Engineer

Division-&

Tamil Nadu Urban Habitat Development Board

Opp. To Alaiamman Temple,

Chennai-600 018.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ o Mandamus, directing the respondents to consider the petitioners representation dated 20.06.2024 and thereby, direct the respondents 1 to 3 to complete the construction and handover the LIG flats to the petitioner by implementing the order of this Honourable Court made in W.P. No.7889/2023 dated 18.04.2023.

For Petitioners
For respondent 1

: Mr.B.Sundarapandiyan
: Mrs.M.Jayanthi
Additional Government Pleader

For respondents 2 & 3

: M/s.G.Thilakavathi
Senior Counsel
for Mr.S.Karthikeyan,
Standing Counsel

ORDER

The petitioners herein seek a direction to respondents to consider their representation dated 20.06.2024 and thereby, direct the respondents 1 to 3 to complete the construction and hand over the LIG flats to the petitioners by implementing the order of this Court in W.P. No.7889/2023 dated 18.04.2023.



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2. It is the case of the petitioners that their vendors purchased LIG housing flats from 2nd respondent in the year 1998. After payment of the entire sale consideration, the 2nd respondent executed a sale deed in favour of petitioners. After passage of time, the building condition had become dilapidated. Therefore, the 2nd respondent decided to demolish the building and go for the construction. Some of the plot owners filed writ petition before this Court in W.P.No.7889 of 2023 etc., seeking direction to respondents not to demolish the structure. The said writ petition was disposed of with direction to respondents to complete the construction and hand over the new flats to the petitioners therein and other similarly situated persons after collecting a sum of Rs.1,50,000/-. In spite of said direction, the respondents have not taken any steps to demolish the building and re-construct the same. Therefore, the petitioner, who is also similarly situated person, submitted a representation on 20.06.2024 seeking demolition of building and re-construction of the same as per the order passed by this Court in W.P.No.7889 of 2023 etc., The said representation has not been considered. Hence, the petitioners are before this Court.



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3. Mrs.M.Jayanthi, learned Additional Government Pleader takes notice for the 1st respondent and M/s.G.Thilakavathi, learned Senior Counsel for Mr.S.Karthikeyan, learned Standing Counsel takes notice for the respondents 2 and 3.

4.M/s.G.Thilakavathi, learned Senior Counsel assisted by Mr.S.Karthikeyan, learned Standing Counsel, who takes notice for the respondents 2 and 3, submits that some of the occupants refused to vacate the premises. Therefore, the 2nd and 3rd respondents are not able to commence the demolition. The learned Senior Counsel also submits that 2nd and 3rd respondents filed a review application of the order passed in W.P.No.7889 of 2023 etc., and the same was dismissed. The learned Senior Counsel further submits that challenging the order passed in writ petitions, a writ appeal has been filed in W.A.Sr.No.150994 of 2024 and the same is yet to be numbered.

5. In view of the above said position, this Court, without going into the merits of the claim made by the petitioners, is inclined to direct the 2nd respondent to consider the representation of the petitioners dated 20.06.2024 and pass final orders on its' own merits within a period of six weeks from the



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date of receipt of copy of this order .

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6. With the above directions, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

09.12.2024

(1/2)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr

To

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Housing and Urban Development Department
Fort St.George, Secretariat
Chennai-600 009.
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S.SOUNTHAR, J.

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