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W.A.No.2270 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2025

CORAM

THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **MOHAMMED SHAFFIQ**

W.A.No.2270 of 2023
and
C.M.P.No.19484 of 2023

K. Kennedy Kumar

... Appellant

Vs.

1.The Revenue Officer,
Tamil Nadu Housing Board,
No. 493, Anna Salai,
Nandanam, Chennai - 35.

2.The Chairman,
Tamil Nadu Housing Board,
No. 493, Anna Salai,
Nandanam, Chennai - 35.

3.The Executive Engineer Cum Administrative
Officer, Tamil Nadu Housing Board,
No. 493, Anna Salai,
Nandanam, Chennai - 35.

4.The Assistant Revenue Officer,
Tamil Nadu Housing Board,
No. 493, Anna Salai,
Nandanam, Chennai - 35.

5.The Junior Engineer,
Tamil Nadu Housing Board,
No. 493, Anna Salai,
Nandanam, Chennai - 35.

... Respondents



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Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 05.07.2022 in W.P. No.20696 of 2011.

For Appellant : Mr.D.Yogeswaran
For Respondents : Mr.D.Veerasekaran,
Standing Counsel

JUDGMENT

(Judgment of the Court was delivered by *S.M.SUBRAMANIAM, J.*)

Under assail is order dated 05.07.2022 passed in W.P. No.20696 of 2011.

2. The facts in brief would show that the father of the appellant was the original allottee in respect of the house allotted by the Housing Board. The original allottee died in the year 2000. Subsequently, the appellant continued to be in possession without any re-allotment order and therefore, the occupation of the appellant was construed as unlawful. The Housing Board initiated action and evicted the appellant from the house. As per the resolution of the Housing Board, after the death of the original allottee, the house is to be handed over to the Housing Board for re-allotment. In the present case, the appellant continued illegally and thus, eviction proceedings were initiated.



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3. Learned standing counsel for the Housing Board would submit that possession had been taken over by the Housing Board on 18.11.2022 and subsequently, writ appeal was dismissed for default on 14.10.2024. Now, the restoration petition has been instituted.

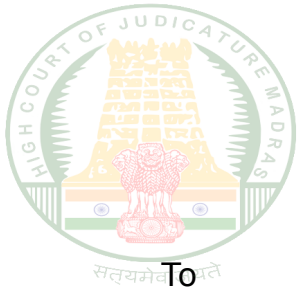
4. Since the Tamil Nadu Housing Board had taken possession on the ground that the appellant is an unlawful occupant, there is no need to entertain the present writ appeal as the cause did not exist. More over, learned counsel for the appellant would submit that other similarly placed persons continue to be in possession. In this regard, the writ Court has made an observation that there cannot be equality in illegality and no one can claim allotment as a matter of right. This Court does not find any infirmity in respect of the said finding. Accordingly, the writ appeal is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

[S.M.S., J.]

[M.S.Q., J.]

13.10.2025

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To

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**S.M.SUBRAMANIAM, J.
AND
MOHAMMED SHAFFIQ, J.**

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