



W.P. No. 26296 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM

THE HON'BLE Mr. JUSTICE N.ANAND VENKATESH

W.P. No. 26296 of 2023

and

W.M.P. No. 25699 of 2023

Bakyalakshmi Natarajan

... Petitioner

-VS-

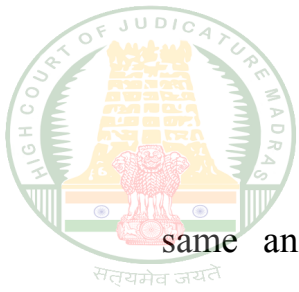
1.State Rep. by
The Secretary to Government
Housing, Urban Development Department
Secretariat, Chennai-600009.

2.The Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai-600035.

3.The Executive Engineer &
Administration Officer
K.K.Nagar, Division
Tamil Nadu Housing Board
Chennai-600083.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records on the file of the third respondent in Ref. No.Kaditha En.Ke.Ke.Na./B2/5175/2016 dated 08.08.2023 and consequential order passed by the second respondent in Seyalmurai Aanai En.Va.Va.Pe.4/17496/2003, dated 28.08.2023 quash the



W.P. No. 26296 of 2023

same and pass suitable orders. [Prayer amended as per order dated

WEB 15.07.2025 made in W.M.P. No. 27767 of 2023 by NAVJ]

For Petitioner : Mr.D.Bharathy

For Respondents : Mr.P.Ganesan, AGP (R1)
Mr.D.Veerasekaran, St.C, (RR2 & 3)

ORDER

This writ petition has been filed challenging the proceedings of the third respondent dated 08.08.2023 wherein the request made by the petitioner seeking for selling the vacant space to her was rejected.

2. Heard Mr.D.Bharathy, learned counsel for the petitioner and Mr.P.Ganesan, learned Additional Government Pleader for the first respondent and Mr.D.Veerasekaran, learned Standing Counsel for the second and third respondents and perused the materials placed on record, apart from the pleadings of the parties.

3.The case of the petitioner is that in the year 1988, a vacant space was allotted to her and the rent was also fixed. The petitioner was running a cycle shop. Subsequently, a xerox shop was opened at the temporary shed during the year 2002.



W.P. No. 26296 of 2023

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4. The petitioner made a representation seeking for selling the vacant space to her. In the meantime, the third respondent insisted that the petitioner must pay the increased rent. The same was put to challenge before this Court in W.P. No. 6446 of 2017. When that writ petition came up for hearing on 04.09.2017, it was informed to this Court that the notice issued to the petitioner is going to be withdrawn and fresh orders would be passed. Recording the same, the writ petition was disposed of on 04.09.2017.

5. Pursuant to the above order, the Executive Engineer of the Housing Board passed an order dated 23.03.2018 whereby the petitioner was directed to pay a sum of Rs.5,57,338/- towards the arrears of rent for the vacant land. This was interfered by this Court by order dated 04.07.2022 and a direction was given to the housing board to enhance the rent reasonably.

6. The petitioner ultimately wanted to purchase the subject property and a representation was made in this regard on 19.07.2022. Since the same was not considered, the petitioner filed WP No. 18123 of 2023. That writ petition was disposed by an order dated 23.06.2023 directing the housing board to deal with



W.P. No. 26296 of 2023

the representation and take a decision within a period of four (4) weeks from the date of receipt of a copy of that order.

7. Pursuant to the above order, the impugned proceedings dated 08.08.2023 came to be passed by the third respondent and the same has been put up for challenge in the present writ petition.

8. When the writ petition was pending, a subsequent order was passed on 28.08.2023, and an amendment petition has been filed in W.M.P. No. 27767 of 2023 questioning that order. Hence, the amendment petition is ordered as prayed for.

9. The third respondent has filed the counter affidavit. In the counter affidavit, the third respondent has taken a stand that the petitioner has to pay the outstanding arrears of Rs.12,54,233/-. Hence without clearing this arrears, there is no question of considering the request made by the petitioner.

10. In the considered view of this Court, huge arrears of rent has piled up. Therefore, the petitioner has to first settle the rent amount payable. Once



W.P. No. 26296 of 2023

that is done, the petitioner can make a request to the respondents Housing Board for entering into a fresh lease deed since it is stated that the space remains vacant. Except giving this clarity, no further orders can be passed in this writ petition.

11. This writ petition is disposed of with the above clarification.

Consequently, miscellaneous petition is closed. No costs.

15.07.2025

2/2

Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

NCC : Yes / No

Maya

To

1.The Secretary to Government
Housing, Urban Development Department
Secretariat, Chennai-600009.

2.The Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai-600035.

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5/6



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W.P. No. 26296 of 2023

N.ANAND VENKATESH, J.

Maya

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and
W.M.P. No. 25699 of 2023**

Dated : 15.07.2025