

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.06.2016
CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.17400 of 2016

Ramaiyan, President
South Breeze Apartments Owners
Welfare Association No.154,
South Avenue, Kamaraja Nagar,
Thiruvanmiyur, Chennai.

... Petitioner

Vs.

- 1 The Managing Director
Tamil Nadu Housing Board
Nandanam,
Chennai - 35.
- 2 The Manager
Sales and Allotment Service
Besant Nagar Tamil Nadu Housing Board
No.48 Dr.Muthukrishnan Salai
Adyar, Chennai-600 020.
- 3 The Executive Engineer Tamil
Nadu Housing Board
Besant Nagar Division
Chennai.
- 4 P.Rathinammal

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 either to take possession or to execute sale deed in favour of 4th respondent or any other person to enable the petitioners Association for re-constructing the apartment of south breeze apartment, H54 South Avenue, Thiruvanmiyur.

For Petitioner :Mr.D.Rajagopal
For Respondents :Mr.V.Anandamoorthy for R1 to R3

O R D E R

By consent the writ petition is taken up for final disposal.

2.The petitioner claiming to be the President of South Breeze Apartments Owners Welfare Association has filed this writ petition contending among other things that, originally allotment granted in favour of the allottee in respect of flat

no.13 was cancelled and subsequently, no allotment has been made and now it is under lock and key and also under dilapidated condition. It is further stated by the petitioner that since the entire flats have become old, the petitioner association took a decision to demolish the entire flats and to put up new superstructure consisting of very many flats and since the ownership of flat no.13 is not made known and also whether it is allotted in favour of somebody or not, submitted a representation dated 08.02.2016, to the third respondent and since no orders have been passed, came forward to file this writ petition.

3.Heard the submissions of Mr.D.Rajagopal, learned counsel appearing for the petitioner and Mr.V.Anandamoorthy, learned counsel who accepts notice on behalf of the respondents 1 to 3.

4.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in this writ petition or in the representation, directs the third respondent to consider and dispose of the petitioner's representation dated 08.02.2016, acknowledged on 18.02.2016, on merits and in accordance with law, after putting on notice the fourth respondent and pass orders, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

5.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai - 35.
 - 2 The Manager
Sales and Allotment Service
Besant Nagar Tamil Nadu Housing Board
No.48 Dr.Muthukrishnan Salai
Adyar, Chennai-600 020.
 - 3 The Executive Engineer Tamil Nadu Housing Board
Besant Nagar Division Chennai.
- + 1 cc to M/s. D. Rajagopal, Advocate

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RK(CO)
EU 16.6.16