

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.43998 of 2016
and
W.M.P.No.37810 of 2016

K.Chelladurai .. Petitioner

vs.

- 1.The Secretary to Government,
Housing and Urban Development,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Tamil Nadu Housing Board,
rep.by its Managing Director,
No.493, Annasalai,
Chennai - 600 035.
- 3.The Tamil Nadu Housing Board,
rep.by its Deputy Secretary (Revenue),
No.493, Anna Salai,
Chennai - 600 035. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 2nd and 3rd respondents from in any manner evicting or interfering with the possession and allotment of the petitioner in the premises N-Block, No.5, Lloyds Colony, Royapettah, Chennai - 600 014, pursuant to the order of eviction in No.Va.Va.P1/25666/2014 dated 31.10.2016 pending disposal of the statutory appeal, pending on the file of the first respondent in Ref.No.24397/LA3/(1)/2016 dated 01.12.2016.

For petitioner : Mr.R.Suresh Kumar
for M/s.K.M.Vijayan Associates

For respondents : Mr.K.Venkataramani,
Additional Advocate General
assisted by Mr.V.Anandamoorthy

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General.

2. The grievance of the petitioner is that he was an allottee of the premises N-Block, No.5, Lloyds Colony, Royapettah, Chennai, by proceedings of the Revenue Officer of the Respondent Board. The third respondent, all of a sudden, issued a notice on 15.9.2014 making baseless allegations that he had sublet the premises to one Jalander Rao and on that ground, the third respondent by its proceedings dated 31.10.2016 passed an order of cancelling the lease/allotment under Section 84 of the Act without considering the objections made by the petitioner. Hence, the petitioner made an appeal before the appellate authority and since it has not been considered so far, the present Writ Petition has been filed by the petitioner praying to issue a Writ of Mandamus for the aforesaid relief.

3. It is submitted by the learned Additional Advocate General that the petitioner has filed an Appeal against the impugned order passed by the respondent Board and the same may be directed to dispose of, at the earliest.

4. Considering the facts and submissions made by the learned counsel appearing for the parties, without going into the merits of the matter, the first respondent is directed to consider the appeal filed by the petitioner in the subject matter if it has not been disposed of so far, within a period of four weeks from the date of receipt of a copy of this order. Till then, there shall be an order of interim injunction restraining the respondents from evicting the petitioner from the subject premises.

5. The Writ Petition is disposed of, with the above direction. No costs. Connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

asvm

Copy to:

1. The Secretary to Government,
Housing and Urban Development,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Managing Director,
The Tamil Nadu Housing Board,
No.493, Annasalai,
Chennai - 600 035.

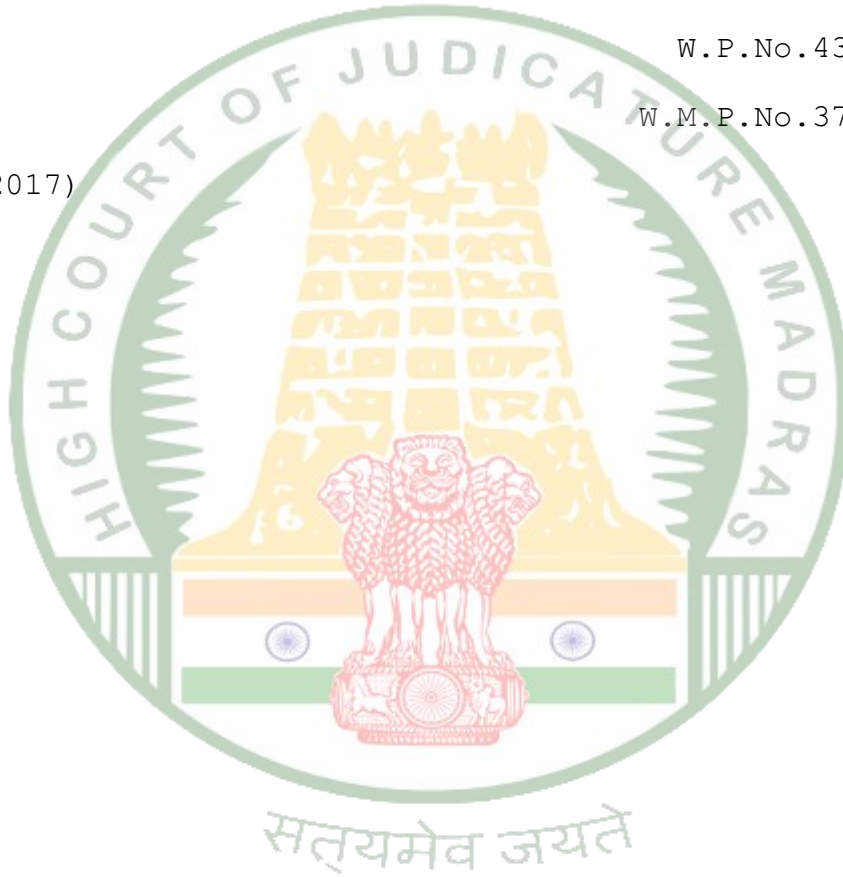
3.The Tamil Nadu Housing Board,
rep.by its Deputy Secretary (Revenue),
No.493, Anna Salai,
Chennai - 600 035.

+lcc to M/r.V.Anandha Murthy, Advocate SR.No.76003.

+lcc to K.M.Vijayan Associates, Advocate SR. No.74915.

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and
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CP(CO)
GN(19/01/2017)



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