

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DURAIWAMY

WP.No.24733 of 2017 and WMP.No.26095 of 2017

Tmt.Sakunthala Somadundaram .. Petitioner

Versus

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

2.The State of Tamil Nadu,
rep.by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai-600 009. .. Respondents

Prayer: Petition filed under Article 226 of The Constitution of India, praying for the issuance of Writ of Mandamus directing the 2nd respondent to dispose of the stay petition filed along with the appeal dated 06.09.2017 preferred by the petitioner against order of eviction passed in Letter No.Va.Va.B.1/18394/NC75/2016 dated 24.08.2017 on the file of the 1st respondent and till such time forbearing the 1st respondent from evicting the petitioner from the House bearing No.75 in 1st Street, Nandanam Colony.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.V.Anandhamoorthy, SC (R1)

Mr.Era Premnath, GA (R2)

O R D E R

Mr.V.Anandhamoorthy, learned Standing counsel takes notice for the 1st respondent and Mr.Era Premnath, learned Government Advocate, takes notice for the 2nd respondent. By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has filed the above writ petition to issue

a writ of Mandamus, directing the 2nd respondent to dispose of the stay petition filed along with the appeal dated 06.09.2017 preferred by her against an order of eviction dated 24.08.2017 on the file of the 1st respondent and till such time, forbearing the 1st respondent from evicting her from the house bearing No.75, First street, Nandanam Colony.

3. Mr.S.Doraisamy, the learned counsel appearing for the petitioner submitted that in similar circumstances, this Court by order dated 22.12.2016 in W.P.No.44077 of 2016 has passed the following order:

"3. In view of the limited scope of the prayer, without going into the merits of the matter, the writ petition is disposed of by directing the first respondent to dispose of the appeal filed by the petitioner in the subject matter 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.

4. The writ petition is disposed of, with the above direction. No Costs. Connected Miscellaneous petition is closed."

4. Mr.V.Anandhamoorthy, learned Standing counsel appearing for the 1st respondent submitted that similar order can be passed in this writ petition.

5. In view of the submissions made by the learned counsel on either side, following the order dated 22.12.2016 passed by this Court in W.P.No.44077 of 2016, this writ petition is disposed of by directing the 1st respondent to dispose of the appeal filed by the petitioner in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. Till then, the petitioner shall not be dispossessed from the subject premises.

No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rg/sk

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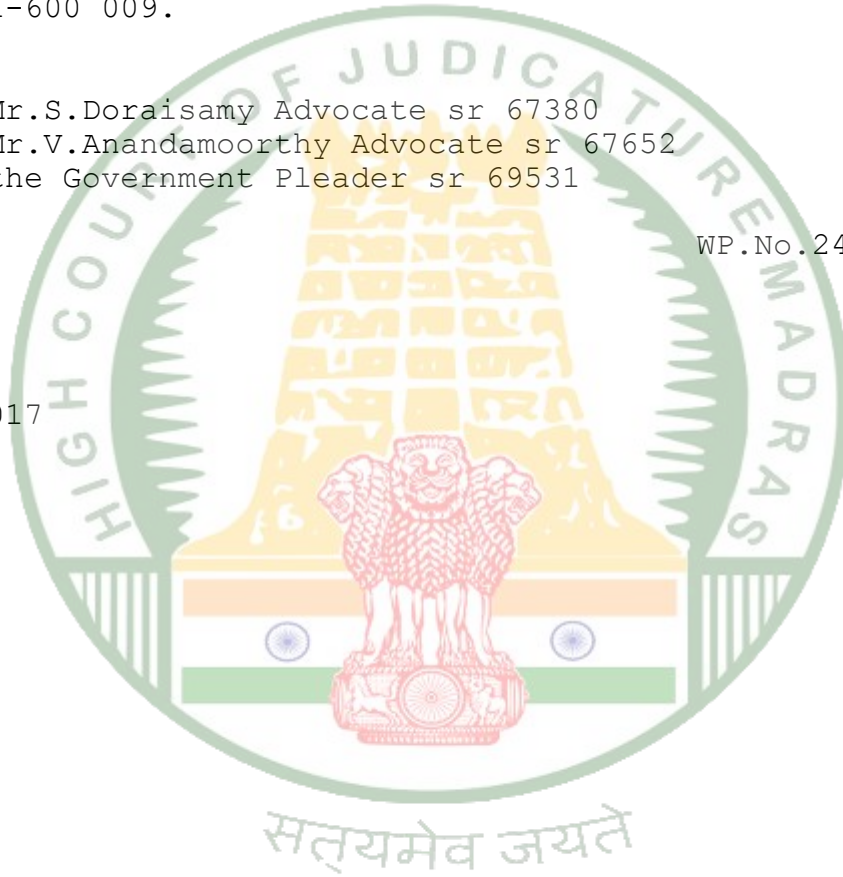
1.The Chief Revenue Officer,
The Tamil Nadu Housing Board,
No.493, Anna Salai, Nandanam,
Chennai-35.

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

+1 cc to Mr.S.Doraisamy Advocate sr 67380
+1 cc to Mr.V.Anandamoorthy Advocate sr 67652
+1 cc to the Government Pleader sr 69531

WP.No.24733 of 2017

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