

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 25.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P.(MD)No.18954 of 2017andW.M.P(MD)No.15314 of 2017

K.Uma

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Tamil Nadu Housing Board,
Chennai.

2.The Assistant Revenue Officer / Competent Authority,
Tamil Nadu Housing Board,
Madurai Housing Unit,
Ellis Nagar,
Madurai.

3.The Executive Engineer & Administrative Officer,
Madurai Housing Unit,
Ellis Nagar,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd respondent by his proceedings in Letter No.MH 10/GO104-BCOST/2017 dated 13.09.2017 and set aside the same as illegal and consequently direct the 1st respondent to dispose of the appeal pending before him within a time limit stipulated as may be fixed by this Hon'ble Court.

For Petitioner : Mr.M.Jegadeesh Pandian
For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate

ORDER

This writ petition has been filed by the petitioner, seeking a writ of Certiorarified Mandamus, to quash the impugned order passed by the second respondent dated 13.09.2017 and to direct the first respondent to dispose of the appeal pending before him within a stipulated time limit.



2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. According to the petitioner, he was allotted with a house flat in Middle Income Group (MIG) House bearing No.431 at Section I & II, TNHB Colony, Koodalpudur, Anaiyur, Madurai, by the respondents. Alleging that the allotted house property was vacant, the petitioner did not pay the installment properly, which invited the third respondent's notice dated 27.11.2014, directing him to deposit the installment properly. Thereafter, the second respondent has passed an order dated 13.06.2016, directing the petitioner to vacate and hand over the premises and against which, the petitioner has preferred an appeal before the first respondent on 30.07.2016, which is said to be pending. It is the specific case of the petitioner that pending disposal of the said appeal, the authorities ought not to have proceeded further, whereas, the second respondent has passed the present impugned order dated 13.09.2017, directing him to pay a sum of Rs.19,40,577/- and aggrieved thereby, the petitioner is before this Court, with the aforesaid prayer.

4. Though the prayer in this writ petition is for a larger relief, the learned Counsel for the petitioner, now confines his prayer to the effect that it would be suffice, if the appeal of the petitioner is disposed of by the first respondent, on merits, within a stipulated time limit, for which, the learned Government Advocate has no serious objections.

5. Considering the limited scope of the relief sought for, this Court, without going in to the merits of the case, directs the first respondent to dispose of the appeal of the petitioner dated 30.07.2016, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. In the meanwhile, the order impugned in this writ petition shall be kept in abeyance.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

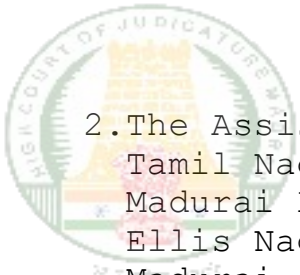
Assistant Registrar(RECORD)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government of Tamil Nadu,
Tamil Nadu Housing Board,
Chennai.



2.The Assistant Revenue Officer / Competent Authority,
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Madurai Housing Unit,
Ellis Nagar,
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3.The Executive Engineer & Administrative Officer,
Madurai Housing Unit,
Ellis Nagar,
Madurai.

+1cc to Mr.M.JAGADEESH PANDYAN Advocate in SR. No. 83777
+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 83857

GK
JS/JC/SAR.1/3.11.2017/3P-6C

W.P. (MD) No.18954 of 2017
25.10.2017