

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.26531 of 2018

R.Munusamy

.. Petitioner

-vs-

1.The Managing Director,
Tamil Nadu Housing Board,
Nandhanam,
Chennai - 600 035.

2.The Executive Engineer & Admn. Officer,
Tamil Nadu Housing Board,
J.J. Nagar Division,
TNHB Shopping Complex, 3rd Floor,
Thirumangalam,
Chennai - 600 101.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the impugned notice in letter No.S.S/3773/09 dated 03.09.2018 issued by the second respondent and quash the same and consequently, direct the respondents to not to disturb the peaceful possession of the property of petitioner in Survey No.484, Mogappair Village to an extent of 5,450 sq. ft. except due process of law.

For Petitioner : Mr.R.Karthick Sevugapperumal

For Respondents : Mr.B.Vivekavan
Standing Counsel
for respondent Nos.1 & 2

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner has prayed that the final order dated 03.09.2018 issued by the Competent Authority under Sub-Section (1) of Section 84 of the Tamil Nadu Housing Board Act, 1961 be quashed and the petitioner's possession of the property measuring an extent of 5,450 sq. ft. situated in Survey No.484, Mogappair Village should not be disturbed except after following due process of law.

2. The order dated 03.09.2018 is the final order issued by the Competent Authority under Sub-Section (1) of Section 84 of the Tamil Nadu Housing Board Act, 1961. In this view of the matter, the petitioner has efficacious alternate remedy of filing an appeal under Section 86 of the Tamil Nadu Housing Board Act, 1961. As the petitioner has efficacious alternate remedy against the order dated 03.09.2018, we are not inclined to interfere with the order impugned in this writ petition.

3. The writ petition is dismissed. It would be open to the petitioner to prefer an appeal under Section 86 of the Tamil Nadu Housing Board Act, 1961. If the appeal is preferred, the concerned authority to deal with the same in accordance with law. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu Housing Board,
Nandhanam,
Chennai - 600 035.

2.The Executive Engineer & Admn. Officer,
Tamil Nadu Housing Board,
J.J. Nagar Division,
TNHB Shopping Complex, 3rd Floor,
Thirumangalam,
Chennai - 600 101.

+1cc to Mr.B.Vivekavanam, Advocate sr.no.84537

W.P.No.26531 of 2018

nr 21/12/2018