

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.15058 of 2019
AND
WMP.NO.15035 & 15036/19

G.N.Vasanthalakshmi

.. Petitioner

Vs

- 1 The State of Tamil Nadu
Rep. by its Secretary to the Government
Housing and Urban Development Department
Fort St.George
Chennai - 600 009.
- 2 Tamil Nadu Housing Board
Rep. by its Managing Director
No.493 Anna Salai
Nandanam
Chennai - 600 035.
- 3 The Executive Engineer and
Administrative Officer
Tamil Nadu Housing Board
K.K.Nagar Division
Anna Nagar Second Avenue
Chennai - 600 040.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of certiorari calling for the records of the third respondent under section 84(1) of the Tamil Nadu Housing Board Act, 1961 dated 22.04.2019 in relation to the petitioner's property in an extent of 2492 sq.ft. comprised in S.No.195/2A out of total extent of 0.56 acres at Valasaravakkam Village, Maduravoyal Taluk, Thiruvallur District, quash the same as suffering from non-application of mind and arbitrariness.

For Petitioner : Ms.Dakshayani Reddy

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c.)
for 1st respondent

Mr.M.Baskar
for respondents 2 and 3

ORDER

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

The petitioner has filed the above writ petition to issue a writ of certiorari calling for the records of the third respondent under section 84(1) of the Tamil Nadu Housing Board Act, 1961 dated 22.04.2019 in relation to the petitioner's property in an extent of 2492 sq.ft. comprised in S.No.195/2A out of total extent of 0.56 acres at Valasaravakkam Village, Maduravoyal Taluk, Thiruvallur District, and quash the same as suffering from non-application of mind and arbitrariness.

2. Ms.Dakshayani Reddy, learned counsel appearing for the petitioner submitted that though the petitioner has filed appeal as early as 21.5.2019 along with petition for stay as against the order passed by the third respondent dated 22.04.2019, the Appellate Authority i.e., the first respondent, has not passed any order in the stay petition. Further, the learned counsel submitted that since the first respondent has not passed any order in the stay petition, the third respondent is threatening to evict the petitioner from the disputed property. The learned counsel further submitted that in such circumstances the first respondent may be directed to dispose of the stay petition as well as the appeal within a time frame.

3. Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.) appearing for the first respondent submitted that the first respondent may be directed to dispose of the stay petition within a period of two weeks from the date of receipt of a copy of this order.

4. Having regard to the submissions made by the learned counsel appearing on either side and considering the fact that the appeal as well as stay petition filed by the petitioner are pending before the first respondent, we direct the first respondent to dispose of the stay petition filed by the petitioner in the appeal dated 21.5.2019 within a period of two weeks from the date of receipt of a copy of this order. We also direct the first respondent to dispose of the appeal preferred by the petitioner as expeditiously as possible.

5. With these observations, the writ petition is disposed of. No costs. Consequently, W.M.P.Nos.15035 and 15036 of 2019 are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Secretary to the Government
State of Tamil Nadu
Housing and Urban Development Department
Fort St.George
Chennai - 600 009.
- 2 The Managing Director
Tamil Nadu Housing Board
No.493 Anna Salai
Nandanam
Chennai - 600 035.
- 3 The Executive Engineer and
Administrative Officer
Tamil Nadu Housing Board
K.K.Nagar Division
Anna Nagar Second Avenue
Chennai - 600 040.

+1cc to Mr.Dakshayani Reddy, Advocate, S.R.No. 50962
+1cc to Mr.M.Baskar, Advocate, S.R.No. 51344
+1cc to the Government Pleader, S.R.No.51137

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W.P.No.15058 of 2019

BP(CO)
GN(16/07/2019)