

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.05.2019

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

&

THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.No.15074 of 2019
and WMP.No.15052 of 2019

1. G.Selvam
2. S. Nirmala Devi ...Petitioners

vs.

1. The State rep by its Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George,
Chennai - 9.

2. The Executive Engineer & Administrative Officer
cum Competent authority,
Tamil Nadu Housing Board, K.K. Nagar Division,
Anna Nagar, 2nd Avenue,
Chennai - 600 040.

...Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the 2nd respondent from taking possession of the property in Survey No.141/2, admeasuring 8.4% UDS out of 5,312 sq.ft land with 524 sq.ft. building, Flat No.A, Radha Flats, No.33/1, Kaikankuppam, V.O.C. Street, Valasaravakkam, Chennai 600 087 without providing an opportunity and following due process of law.

For Petitioners : Mr.A.R.L.Sundaresan, Senior Counsel
for Ms.A.L.Ganthimathi

For Respondents : Mr.D.Suriyanarayanan
Additional Government Pleader for R1
Mr. M.Baskar, Standing counsel for R2

O R D E R

(Order of the Court was made by Mr.N.SATHISH KUMAR, J.)

Petitioners have filed this writ petition seeking issuance of Writ of Mandamus forbearing the 2nd respondent from taking possession of the property in Survey No.141/2, admeasuring 8.4% UDS out of 5,312 sq.ft land with 524 sq.ft. building, Flat No.A, Radha Flats, No.33/1, Kaikankuppam, V.O.C. Street, Valasaravakkam, Chennai 600 087 without providing an opportunity and following due process of law.

2. It is the case of the petitioners that they are the absolute owner of the above said property. It is the further case of the petitioners that though the neighbouring lands were sought to be evicted by the 2nd respondent and notices were served to the adjacent neighbouring land owners, they were not served with any notice. However, an order was passed and the same was served to the other adjacent and neighbouring land owners. The petitioners state that even though the petitioners were not served with any notice, they are being threatened by the 2nd respondent to evict the premises. Hence, the petitioners have come forward with the present writ petition.

3. Heard the learned Senior counsel appearing for the petitioners and learned counsel appearing for the respondents.

4. It is the submission of the learned Senior counsel appearing for the petitioners that no notice or final order has been served by the 2nd respondent enabling the petitioners to file an appeal.

5. Learned counsel appearing for the 2nd respondent submits that they will serve the copy of the notice within 10 days.

6. Considering the submissions made, this Court directs the petitioners to file a reply within 10 days from the date of receipt of such notice. Thereafter, 2nd respondent shall pass an order within one month from the date of receipt of such reply. The petitioners are also at liberty to file an appeal within one month from the date of receipt of that order, if they are aggrieved. If any appeal arises, the 1st respondent shall dispose of the same within two months from the date of filing of the appeal. Till the disposal of the appeal, no coercive steps for eviction to be taken.

With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsm/mp

To

1. Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George,
Chennai - 9.
2. The Executive Engineer & Administrative Officer
cum Competent authority,
Tamil Nadu Housing Board, K.K. Nagar Division,
Anna Nagar, 2nd Avenue,
Chennai - 600 040.

+1cc to Ms.A.L.Ganthimathi, Advocate sr.44359

सत्यमेव जयते

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gp(co)
nr 02/07/2019

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