

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.15071 of 2019  
and WMP.No.15049 of 2019

Suresh Subramanian

...Petitioner

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, 2<sup>nd</sup> 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 2<sup>nd</sup> respondent from taking possession of the property in Survey No.141/2 as per patta, present Survey No.141/2A4, measuring 573 sq.ft UDS out of 10416 sq.ft bearing Flat No.D4, 17, Kumaran Constructions, Om Sakthi Nagar Main Road, K.K. Ponnurangam Salai, Valasaravakkam, Chennai - 87 without providing an opportunity and following due process of law.

For Petitioner : Mr.AR.L.Sundaresan, Senior Counsel  
for Ms.AL.Ganthimathi

For Respondents: Mr.M.Elumalai,  
Government Advocate 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.)

Petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the 2<sup>nd</sup> respondent from taking possession of the property in Survey No.141/2 as per Patta, present Survey No.141/2A4, measuring 573 sq.ft UDS out of 10416 sq.ft bearing Flat No.D4, No.17, Kumaran Constructions, Om Sakthi Nagar Main Road, K.K.Ponnurangam Salai, Valasaravakkam, Chennai - 87 without providing an opportunity and following due process of law.

2. It is the case of the petitioner that he is the absolute owner of the above said property and he has been issued with a notice dated 12.07.2018. by the 2<sup>nd</sup> respondent for eviction. The petitioner has given an explanation to the aforesaid notice. However, the 2<sup>nd</sup> respondent without hearing the petitioner passed an order and served the copy of the order to the neighbouring land owners. Hence, the petitioner has come forward with the present writ petition.

3. Heard the learned counsel appearing for the petitioner and learned counsel appearing for the respondents.

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

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

6. Considering the submissions made, this Court directs the petitioner to file a reply within 10 days from the date of receipt of such notice. Thereafter, 2<sup>nd</sup> respondent shall pass an order within one month from the date of receipt of reply. The petitioner is also at liberty to file an appeal within one month from the date of receipt of that order, if he is aggrieved. If any appeal arises, the 1<sup>st</sup> 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(CS IV)

//True Copy//

Sub Assistant Registrar

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, 2<sup>nd</sup> Avenue,  
Chennai - 600 040.

+1cc to M/S.A.L.Ganthimathi, Advocate Sr.44355

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सत्यमेव जयते

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srg 6/6/2019

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