

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2019

CORAM

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

W.P.No.16552 of 2019

Rajendran

.. Petitioner

Vs

- 1 The State, Rep. by its Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai - 9.
- 2 The Executive Engineer and
Administrative Officer cum Competent Authority
Tamil Nadu Housing Board
K.K.Nagar Division,
Anna Nagar - 2nd Avenue
Chennai - 40.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the 2nd respondent from taking possession of the property in Survey No. 141/1A and 142/6A, Plot No.54, measuring an extent of 1200 sq.ft. out of 2400 sq.ft in 6th Street, Om Shakthi Nagar, Valasaravakkam, Chennai - 600 087, pursuant to the order of the 2nd respondent dated 22.4.2019 till disposal of the appeal dated 28.5.2019 pending before the 1st respondent.

For Petitioner : Ms.AL.Ganthimathi

For Respondents : Mr.V.Jayaprakash
Narayanan
GovernmentPleader (i/c.)

Mr.M.Baskar
for 2nd respondent

ORDER

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

The petitioner has filed the above writ petition to issue a writ of mandamus forbearing the second respondent from taking possession of the property in Survey Nos.141/1A and 142/6A, Plot No.54, measuring an extent of 1200 sq.ft. out of 2400 sq.ft in 6th Street, Om Shakthi Nagar, Valasaravakkam, Chennai - 600 087, pursuant to the order of the second respondent dated 22.4.2019 till disposal of the appeal dated 28.5.2019 pending before the first respondent.

2. Ms.AL.Ganthimathi, learned counsel appearing for the petitioner submitted that though the petitioner has filed appeal as early as 28.5.2019 along with petition for stay as against the order passed by the second 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 second 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 28.5.2019 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.No.16189 of 2019 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sasi

To:

- 1 The Secretary to Government
State of Tamil Nadu
Housing and Urban Development Department
Fort St. George, Chennai - 9.
- 2 The Executive Engineer and
Administrative Officer cum Competent Authority
Tamil Nadu Housing Board
K.K.Nagar Division,
Anna Nagar 2nd Avenue
Chennai - 40.

+1cc to Ms.AL.Ganthimathi, Advocate sr.50379

+1cc to Government Pleader sr.50582

सत्यमेव जयते

W.P.No.16552 of 2019

nr 17/07/2019

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