

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.06.2019

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

W.P.No.16988 of 2019

B.Shanmuga Vadivelu

.. 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 - 600040.
- .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the second respondent from taking possession of the property in Survey No.141/1A and 142/6A admeasuring to an extent of 2400 sq. ft. in Plot No.60, 6th Cross Street, Om Shakthi Nagar, Valasaravakkam, Chennai-600 087 without providing an opportunity and following due process of law.

For Petitioners : Mr.S.Diwakar

For Respondents : Mr.S.N.Parthasarathy
Government Advocate
for 1st respondent

Mr.M.Baskar
for 2nd respondent

ORDER

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

The petitioner has filed the above writ petition to issue writ of mandamus forbearing the second respondent

from taking possession of the property in Survey No.141/1A and 142/6A, admeasuring an extent of 2400 sq. ft. in Plot No.60, 6th Cross Street, Om Shakthi Nagar, Valasaravakkam, Chennai - 600 087, without providing an opportunity and following due process of law.

2. The learned counsel appearing for the petitioner submitted that the second respondent is threatening to evict the petitioner from the property in question without issuing any notice to the petitioner.

3. The learned counsel appearing for the second respondent submitted that the petitioner would be evicted from the property only after following due process of law.

4. In view of the submissions made by the learned counsel appearing on either side, we make it clear that the petitioner can be evicted by the second respondent only after issuing notice and taking steps as contemplated under law.

5. With these observations, the writ petition is disposed of. No costs. Consequently, W.M.P.No.16551 of 2019 is closed.

Sd/-

Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

bbr

To:

1. The Secretary to Government 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 - 600040.

+1cc to Mr.S.Diwakar, Advocate, S.R.No.51511
+1cc to the Government Pleader, S.R.No.52371
+1cc to Mr.M.Baskar, Advocate, S.R.No.51587

W.P.No.16988 of 2019

PM(CO)

RRS (26/07/2019)