

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.23918 of 2019

M.Balachandar

.. Petitioner

-vs-

1. The State of Tamil Nadu,
rep. by its Secretary to the Government,
Tamil Nadu Housing & Urban Development Department,
Fort St. George,
Chennai - 600 009.

2. The Executive Engineer & Administrative Officer
and Competent Authority,
Tamil Nadu Housing Board,
Anna Nagar, 2nd Avenue,
Chennai - 600 040. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent Appellate Authority to dispose of the appeal filed on 15.07.2019 as against the proceedings of the second respondent dated 31.05.2019 as expeditiously as possible and in accordance with law.

For Petitioner

: Mrs.R.Hemalatha

For Respondents

: Mr.S.N.Parthasarathi
Government Advocate
for respondent No.1

Mr.M.Baskar

for respondent No.2

ORDER

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

Heard Mrs.R.Hemalatha, learned counsel for the petitioner; Mr.S.N.Parthasarathi, learned Government Advocate for respondent No.1 and Mr.M.Baskar, learned counsel for respondent No.2.

2. The petitioner has filed the above writ petition to issue writ of mandamus directing the first respondent to dispose of the appeal dated 15.07.2019 filed as against the proceedings of the second respondent dated 31.05.2019 as expeditiously as possible and in accordance with law.

3. The learned counsel for the petitioner submitted that though the petitioner has filed an appeal as early as 15.07.2019 along with petition for stay as against the order passed by the second respondent dated 31.05.2019, 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.

4. Mr.S.N.Parthasarathi, learned Government Advocate 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.

5. 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 15.07.2019 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.

6. With these observations, the writ petition is disposed of. No costs. Consequently, W.M.P.No.23768 of 2019 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

bbr

To:

- 1 The Secretary to the Government,
State of Tamil Nadu,
Tamil Nadu Housing and Urban Development Department,
Fort St. George,
Chennai - 9.
 - 2 The Executive Engineer and Administrative Officer
and Competent Authority,
Tamil Nadu Housing Board,
Anna Nagar, 2nd Avenue,
Chennai - 600 040.
- +1 cc to Mrs.R.Hemalatha, Advocate, S.R.No.69566
+1 cc to M/s.M.Baskar, Advocate, S.R.No.69801
+1 cc to the Government Pleader, S.R.No.70196

W.P.No.23918 of 2019

RGN(CO)
SSM(09/09/2019)

सत्यमेव जयते
WEB COPY