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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.34091 of 2019

and

W.M.P.Nos.34691 & 34692 of 2019

T.Dinakar

..petitioner

vs.

1.The State of Tamil Nadu,
represented by its Secretary to Government Housing
and Urban Development, Fort St.George,
Chennai - 600 009.

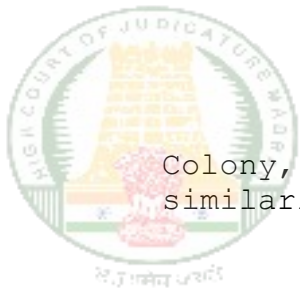
2.The Executive Engineer and Administrative Officer,
Nandanam Division,
Tamil Nadu Housing Board,
Chennai - 600 035.

3.The Competent Authority/Revenue Officer,
Tamil Nadu Housing Board,
493 Anna Salai, Nandanam, Chennai - 35.

4.The Inspector of Police,
Icehouse Police Station,
Triplicane, Chennai - 600 005.

.. Respondents

Prayer: Writ Petition filed under Article 226 of The Constitution of India praying to issue writ of certiorarified mandamus, calling for the records on the file of the 2nd respondent in his proceedings dated 28.11.2019 and quash the same and direct the respondents 2 and 3 to hand over possession of the premises bearing Flat B6 Lloyds Colony, Lloyds Road, Royapettah, Chennai - 600 014 to the petitioner pending consideration of the statutory appeal preferred by the petitioner dated 27.04.2012 under section 86 of Tamil Nadu State Housing Board Act 1961 in the light of Order in W.P.No.13360/2012 dated 09.05.2012 and to issue fresh allotment orders in the name of the petitioner in respect of B6 Lloyds



Colony, Royapettah, Chennai - 600 014 as was done in the case of similarly placed persons.

For Petitioner : S.Selvathirumurugan

For Respondents: Mr.N.Inbanathan
Additional Government Pleader
for R1 & R4

Mr.R.Bharath Kumar
Standing Counsel for R2 & R3

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O R D E R

The petitioner has filed the present writ petition for a direction to break open the seal, put up in Flat B6 Lloyds Road, Royapettah, Chennai - 600 014.

2. I am not going into the facts of the case since, the petitioner has now by this order is granted an opportunity to file an appeal before the Appellate Authority. Even though he has filed an appeal earlier on 27.04.2012, the petitioner's flat in B6, Lloyds Colony, Chennai was sealed by the respondents and he found the door was locked, when he came back from Sabarimalai. It was claimed that the flat was originally allotted to his father S.Thayumanasundaram, who died in the year 2005. As the son, the petitioner continued to occupy the flat for the past 14 years. It is stated that there was a statutory appeal provided under Rule 86 of the Act and the petitioner had preferred an appeal but the respondents disputed that fact. During the discussions before this Court, it was directed that the petitioner may be permitted to file a fresh appeal on or before 10.01.2020 and the delay, if any may be condoned and the Appellate Authority may dispose of the appeal within a reasonable period of time. In this connection, an affidavit was also sought from the petitioner that he would vacate the place, if the appeal, for some reason is rendered against him. In this connection, the petitioner filed an affidavit and the relevant portion is as follows:

"5. I humbly submit that, if I am permitted to make a fresh appeal raising all the points to the 1st respondent, I will make an appeal to the 1st respondent within a period of 2 weeks and I believe that the Government would extend the same treatment to me that had been given to the allottees of the following flats.

(1) Flat No. J3 Lloyds Colony Lloyds Road Chennai 600 014



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- (2) Flat No. D3 Lloyds Colony Lloyds Road Chennai 600 014
- (3) Flat No. J2 Lloyds Colony Lloyds Road Chennai 600 014
- (4) Flat No. C5 Lloyds Colony Lloyds Road Chennai 600 014
- (5) Flat No. B-3 Lloyds Colony Lloyds Road Chennai 600 014
- (6) Flat No. E-2 Lloyds Colony Lloyds Road Chennai 600 014
- (7) Flat No. C-2 Lloyds Colony Lloyds Road Chennai 600 014

6. I humbly submit that in the event of my appeal being rejected by the Government, I may be permitted to challenge the same before this Hon'ble Court.

7. I humbly submit that in the event of my appeal being rejected by the Government, I undertake to vacate the premises within 3 months from the date of receipt of the order of rejection by the Government."

3. Recording the same, the second and third respondents are directed to de-seal and open the flat of the petitioner on 20.12.2019 between 3.00 pm and 5.00 pm. Regarding the all other issues, it is open to the petitioner to raise in the statutory appeal.

4. With the above observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The State of Tamil Nadu,
represented by its Secretary to Government Housing
and Urban Development, Fort St.George,
Chennai - 600 009.
- 2.The Executive Engineer and Administrative Officer,
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Tamil Nadu Housing Board,
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Tamil Nadu Housing Board,
493 Anna Salai, Nandanam, Chennai - 35.

4.The Inspector of Police,
Icehouse Police Station,
Triplicane, Chennai - 600 005.

+lcc to M/s.R.Bharath Kumar, Advocate sr.106548
+lcc to Government Pleader SR.NO. 106748
+lcc to S.Selvathirumurugan, Advocate sr.105895

W.P.No.34091 of 2019
and
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bp(co)
nr 20/12/2019