



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.22292 of 2019

and W.M.P. (MD) .No.19063 of 2019

WEB COPY

S.Poochiammal

... Petitioner

vs.

1.The Chairman,
The Tamil Nadu Housing Board,
493, Anna Salai,
Nandanam
Chennai-35.

2.The Superintending Engineer,
Madurai Division,
Madurai Housing Unit,
Tamil Nadu Housing Board,
Ellis Nagar,
Madurai-16.

3.The Executive Engineer & Administrative Officer,
Madurai Housing Unit,
Tamil Nadu Housing Board,
Ellis Nagar,
Madurai-16.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order made in Lr.No.A3/5493/2000 dated 27.09.2019 passed by the 3rd respondent and quash the same as illegal.

For Petitioner : Mr.D.Sadiq Raja

For Respondent : Mr.T.S.Mohamed Mohideen

Standing Counsel for TNHB

O R D E R

Mr.T.S.Mohamed Mohideen, learned Standing Counsel takes notice on behalf of the respondents.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.This writ petition has been filed challenging the impugned order made in Lr.No.A3/5493/2000, dated 27.09.2019 passed by the 3rd respondent and quash the same.



4.The petitioner claims herself a cultivating tenant of the property comprised in S.No.11/1, measuring an extent of 1 acre 65 cents situated at Ponmeni Village, Madurai West Taluk, Madurai, which is acquired for the purpose of respondent Housing Board. On 06.09.2019, the 3rd respondent issued a show cause notice for eviction under Section 84(2) of the Tamil Nadu Housing Board Act, 1961 (hereinafter referred as Act). Against which, the petitioner has not filed any reply within the fixed period. On 27.09.2019, the respondent passed an order of eviction. Against which, an appeal remedy is available under Section 86 of the Act. Without exhausting the said remedy, the petitioner has come before this Court by way of this writ petition.

5.Considering the facts and circumstances of the case, this Court is of the view that even though an appeal remedy is available to the petitioner, without exhausting the said remedy, he has approached this Court in this writ petition. Hence, this writ petition is not maintainable.

6.Accordingly, this writ petition is dismissed. The petitioner, if she chooses to do so, is permitted to file an appeal within a period of 2 weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to take any coercive action. After filing appeal, the petitioner has to work out her remedy before the appellate authority. Consequently, connected miscellaneous petition is also dismissed. No costs.

Sd/-

Assistant Registrar

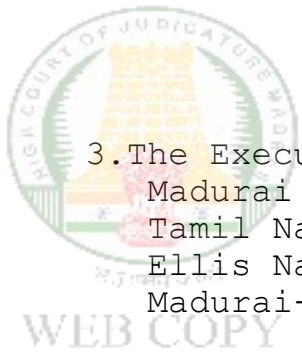
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Sub Assistant Registrar(CS)

To

1.The Chairman,
The Tamil Nadu Housing Board,
493, Anna Salai,
Nandanam
Chennai-35.

2.The Superintending Engineer,
Madurai Division,
Madurai Housing Unit,
Tamil Nadu Housing Board,
Ellis Nagar,
Madurai-16.



3.The Executive Engineer & Administrative Officer,
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+1 CC to Mr.D.SADIQRAJA, Advocate (SR-93678[F] dated 22/10/2019)

W.P. (MD) No.22292 of 2019
22.10.2019

vs

MK (05.11.2019) 3P 5C