

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.11.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.15251 of 2020
and
W.M.P.No.19076 of 2020
(Heard through VC)

S.Shanthi

.. Petitioner

-vs-

1. The Tamil Nadu Housing Board,
Rep. by its Managing Director,
Nandanam,
Chennai - 600 035.
2. The Executive Engineer Cum Executive Officer,
The Tamil Nadu Housing Board,
Mogappair Division, TNHB,
Thirumangalam,
Chennai - 1.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus forbearing the respondents their men, agents and subordinates from any manner interfering with the petitioner's peaceful possession and enjoyment of all that piece and parcel of land together with the other appurtenances thereto situated in R.S.No.253/2 part, T.S.No.115, in ward I Block No.21, Ponnamman Koil Street, Padi, Annanagar West Extension, Kalaivanar Nagar, Padi, Chennai - 50, admeasuring 320 sq.ft as sought vide representation dated 07.09.2020.

For Petitioner : Mr.N.A.Nissar Ahmed
For Respondents : Mr.Bharath Kumar

O R D E R

The writ petition has been filed to forbear the respondents their men, agents and subordinates from any manner interfering with the petitioner's peaceful possession and enjoyment of all

that piece and parcel of land together with the other appurtenances thereto situated in R.S.No.253/2 part, T.S.No.115, in ward I Block No.21, Ponnamman Koil Street, Padi, Annanagar West Extension, Kalaivanar Nagar, Padi, Chennai - 50, admeasuring 320 sq.ft as sought vide representation dated 07.09.2020.

2. The petitioner is the absolute owner of the petition mentioned property. The patta and other revenue records stand in her name and she has been paying Tax, E.B. and other charges. While so, the petitioner's house in the above said property was damaged during the vardha cyclone and due to insufficient funds, she could not renovate it at that point of time. Now, when the petitioner started to renovate the superstructure in the said property, the respondents, without any right or authority, are attempting to forcibly dispossess her without any prior notice. Hence, the petitioner made a representation dated 07.09.2020 to the respondents, but however the respondents have not considered the same. Thus, the present petition has been filed.

3. Heard the learned counsel appearing on both sides.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the representation of the petitioner dated 07.09.2020, enquire into the same and pass appropriate orders on merits and in accordance with law, after issuing notice to the petitioner and any other person interested in this regard and by affording them an opportunity of personal hearing or virtual hearing or otherwise, considering their written objections and after verifying the relevant documents, within a period of five weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.
2. The Executive Engineer Cum Executive Officer,
The Tamil Nadu Housing Board,
Mogappair Division, TNHB,
Thirumangalam,
Chennai - 1.

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rr ii (29/12/2020)



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