

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.4680 of 2021 and

WMP Nos.5303 & 5304 of 2021

K.Thangam

... Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary,
Tamil Nadu Housing and Urban Development Department,
Fort St. George,
Chennai - 600 001.
 2. The Competent Authority / Executive Engineer,
Kalaingar Karunanadhi Division,
Tamil Nadu State Housing Board,
Ashok Nagar, Chennai - 600 040.
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to de-seal and de-lock the shop no.1 situated at 100 feet Road, Sivan Koil Street, Vadapalani, Chennai - 600 026 pending disposal of the appeal filed by the petitioner under Section 86 of the Tamil Nadu State Housing Board Act, 1961, before the 1st respondent.

For Petitioner : Mr.Shaikh Mehrunisa

For Respondent : Mr.V.Anand, (for R1)
Government Advocate
Mr.R.Bharathkumar (for R2)

ORDER

The Writ Petition has been filed seeking a direction to the respondents to de-seal and de-lock the shop No.1 situated at 100 feet Road, Sivan Koil Street, Vadapalani, Chennai - 600 026, pending disposal of the appeal filed by the petitioner under Section 86 of the Tamil Nadu State Housing Board Act, 1961, before the 1st respondent.

2. It the case of the petitioner that the petitioner is running shop No.1 along with the line of shops owned by similarly placed persons. As per Revenue records, the land belongs to one K.P.Rangabashyam who is the registered holder and the adangal is also standing in his name. The Government took a decision to construct Grade separator in the intersection of NSK Road and expand the existing Inner Ring Road at Vadapalani. The land proposed for construction is from T.S.No.21/1 to

T.S.No.75/4 in Block No.4 in which the land of the petitioner is also included. Therefore, the 2nd respondent has passed the impugned order dated 24.01.2019, and thereby sealed the premises of the petitioner.

3. According to the petitioner, the portion of the Buildings of the appellant comprised in Shop No.1 in 100 feet road was razed without any compensation in 2012 and the Housing Board is not a party to these acquisition proceedings. Hence, the petitioner has visited the office of the Housing Board Department and demanded title to his shop from the Housing Board. But, they have not produced any land acquisition details till date. Therefore, the petitioner is not in position to pay the rent. The Housing Board has also not demanded the rent citing the land acquisition proceedings. Hence, the petitioner has filed an appeal before the 1st respondent to quash the records of the impugned order dated 24.01.2019. As no step has been taken till date, the petitioner is before this Court with the aforesaid relief.

4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case and the submissions made on either side, as the appeal under Section 86 of the Tamil Nadu Housing Board Act, 1961 is pending before the 1st respondent, this Court, without expressing any opinion on the merits of the case, directs the 1st respondent to consider the petitioner's appeal dated 27.02.2019 and dispose of the appeal, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing. In the meanwhile, the 2nd respondent is directed to give a date and time for the petitioner to remove his goods. If the requires more than 24 hours, the 2nd respondent is also directed to consider the same.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum

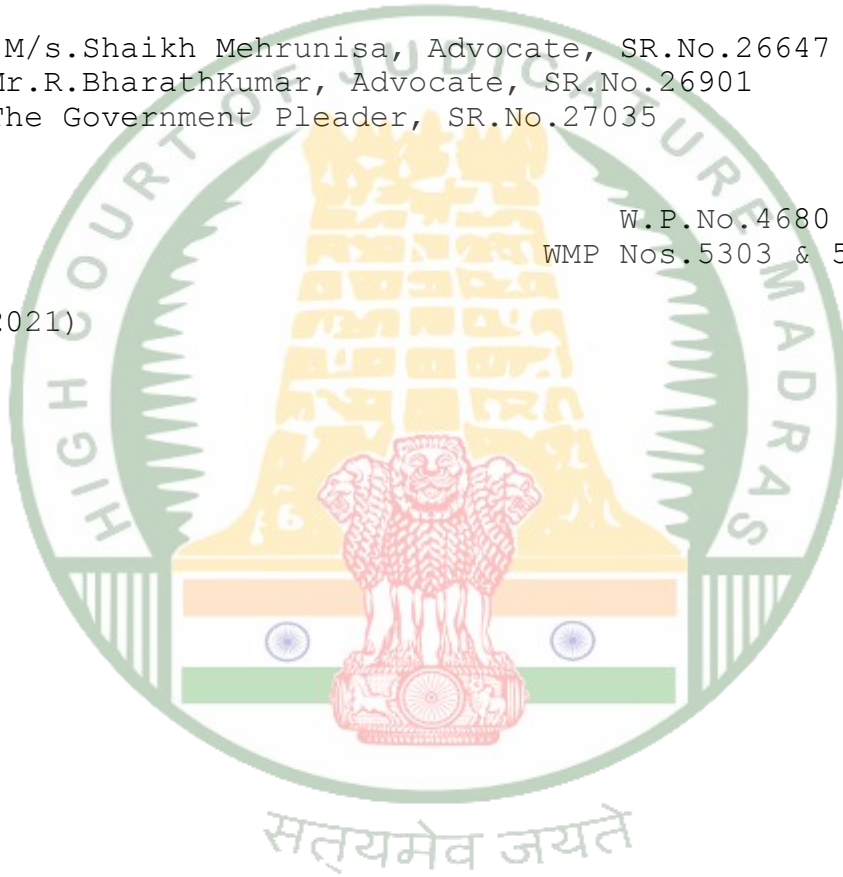
To

1. The Government of Tamil Nadu,
Represented by its Secretary,
Tamil Nadu Housing and Urban Development Department,
Fort St. George,
Chennai - 600 001.
2. The Competent Authority / Executive Engineer,
Kalaingar Karunanadhi Division,
Tamil Nadu State Housing Board,
Ashok Nagar, Chennai - 600 040.

+2 ccs to M/s.Shaikh Mehrunisa, Advocate, SR.No.26647
+1 cc to Mr.R.BharathKumar, Advocate, SR.No.26901
+1 cc to The Government Pleader, SR.No.27035

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NS(11/05/2021)



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