

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.18120 of 2020
and W.M.P.No.22508 of 2020

1. R.Shanmuganathan
2. Krishnamoorthy
3. P.S.Sathyamoorthy
4. P.S.Ramesh Rajan

...Petitioners

Vs

1. The Government of Tamil Nadu
Represented by the 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, to direct the respondents to remove the seal affixed at Shop Nos.3,4,5,7,8 and 9, 30 Feet Road, South Sivan Koil Street, Vadapalani, Chennai 600 026 pending disposal of the appeals filed by the petitioners under Section 86 of the Tamil Nadu State Housing Board Act,1961.

For Petitioners : Mr.V.Raghavachari

For Respondents : Mr.R.Bharathkumar,
Standing Counsel

ORDER

The petitioners have sought for a writ of mandamus to direct the respondents to remove the seal affixed at Shop Nos.3,4,5,7,8 and 9, 30 Feet Road, South Sivan Koil Street, Vadapalani, Chennai 600 026, pending disposal of the appeals filed by the petitioners under Section 86 of the Tamil Nadu

State Housing Board Act, 1961.

2. According to the petitioners, the properties, which are the subject matter of this Writ Petition, are the private holdings of one K.P.Rangabashyam. It is stated that when the State Highways Department acquired the lands for the construction of Jawaharlal Nehru Road, a portion of the building was demolished. While so, the second respondent had issued notices making a demand for payment of rent from the erstwhile allottees. At the time of serving notices, the petitioners were in possession of their respective shops. Therefore, the petitioners seem to have filed appeals before the first respondent. When the appeals filed on 28.02.2019 by the petitioners are yet to be decided, the second respondent had sealed the premises of the petitioners on 18.10.2020. Aggrieved by the sealing of the Shop Nos.3,4,5,7,8 and 9, the petitioners have filed this Writ Petition for the relief stated supra.

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

4. It is submitted by the learned counsel for the petitioners that while the appeals are pending, the petitioners' shops have been sealed making it difficult for eking out their livelihood.

5. The learned counsel for the respondents would submit that the appeals are filed by the petitioners against the show cause notices issued under Section 84(2) of the Tamil Nadu Housing Board Act, 1961.

6. Be that as it may, admittedly, the only grievance of the petitioners is that the appeals are pending before the first respondent from February 2019, and their shops have been sealed on 18.10.2020.

7. Though learned counsel for the petitioner insisted that the seal has to be removed from the above mentioned shops, it would suffice if a direction is issued to the first respondent to dispose of the appeals at the earliest.

8. Considering the above facts, this Court directs the first respondent to dispose of the appeals filed by the petitioners, within a period of four weeks from the date of receipt of a copy of this order, on merits and in accordance with law. Subject to the result of the appeals, it is open to the first respondent to remove the seal from the shops. It is also open to the petitioners to approach the first respondent for removing the seal from their shops, pending disposal of the appeals.

9. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,

Government of Tamil Nadu
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

+3 cc to M/s.R.Bharath Kumar, Advocate, SR.NO.23342

+1 cc to M/s.V.Raghavacgari, Advocate, SR.NO.23011

W.P.No.18120 of 2020
and W.M.P.No.22508 of 2020

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