



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25467 of 2021
and WMP.No.26906 of 2021

B.Parvatham

...Petitioner

Vs.

1.The Chairman
Tamil Nadu Housing Board,
Nandanam, Chennai.

2. The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Hosur Housing Section,
Bagalur.

3. Shiek Sheriff

...Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from dispossessing the petitioner from the property bearing No.101, Valluvar Nagar, Tamil Nadu Housing Board, Oddapatti, Collectorate Post, Dharmapuri relating to petitioner's representation dated 20.12.2017 except by due process of law.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.R.Bharat Kumar R1 & R2
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondents from dispossessing the petitioner from the property bearing No.101, Valluvar Nagar, Tamil Nadu Housing Board, Oddapatti, Collectorate Post, Dharmapuri relating to petitioner's representation dated 20.12.2017 except by due process of law.



2. The facts of the case are as follows:

The petitioner is in continuous possession and enjoyment of the housing board property for nearly more than 40 years by a allotment proceedings No.C4/11421/73 dated 22.02.1977 by the Board. The property was originally allotted to one Abdul Khader. But the petitioner's husband only made entire payment as on date and all the original receipts are still kept by the petitioner. In the meanwhile, the petitioner's husband died on 25.04.2013. After demise of the petitioner's husband, the sons of the said Abdul Khader, approached the petitioner to evict her from the house. Therefore, the petitioner made a representation dated 20.12.2017 before the respondents. Till date, no order was passed. Hence, the petitioner filed the present writ petition before this Court seeking appropriate direction.

3. The learned counsel for the petitioner submitted that this Court may issue a direction to the respondents to consider the representation dated 20.12.2017 made by the petitioner within the stipulated time as fixed by this Court.

4. The learned Government Advocate submitted that the petitioner's representation will be considered in accordance with law within the time stipulated.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 2nd respondent to consider the petitioner's representation dated 20.12.2017 on merits and in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order. However, the petitioner shall not evict from the subject property, till an order is passed on the representation of the petitioner, except due process of law.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar



To

1.The Chairman
Tamil Nadu Housing Board,
Nandanam, Chennai.

2. The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Hosur Housing Section,
Bagalur.

+1 CC to Mr.G.Jeremiah, Advocate sr 63061.

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CA(CO)
SP(16/12/2021)