



Review Application No.147 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2023

CORAM:
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Review Application No.147 of 2022

in

W.P.No.27778 of 2016

and

W.M.P.No.22397 of 2022

Lay Apostolate Divine Word Society
Rep. by its Secretary,
Binny Lawrence,
803, 63rd Street, 10th Sector,
K.K. Nagar, Chennai-600 078.

...Petitioner

Vs.

1. The Principal Secretary to the Government,
Housing and Urban Development Department,
Secretariat, Fort St.George, Chennai-600 009.
2. The Managing Director,
Tamilnadu Housing Board,
Nandanam, Chennai-600034.
3. The Executive Engineer and Administrative Officer,
K.K.Nagar Division,
Tamilnadu Housing Board,
Ashok Nagar Shopping Centre,
Chennai- 600 083.

... Respondent



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PRAYER : Review Application filed under Order 47 Rule 1 read with Section 114 of C.P.C. praying to review the order passed in W.P. No.27778 of 2016 dated 27.09.2021.

For Petitioner : Mr.D.Ferdinand for
Mr.Vandhiyashevan Veera

For Respondents : Mr.D.Veerasekaran,
Standing Counsel for TNHB

ORDER

The review petition has been filed mainly on the ground that the respondents have failed to bring to the notice of this Court that they have not passed any final orders pursuant to the directions issued by this Court in WP.No.41327 of 2005 dated 19.04.2011.

2.The petitioner filed WP.No.41327 of 2005, challenging the order dated 14.12.2005 wherein the allotment which was made in favour of the petitioner was cancelled on the ground that the Government has not accepted the proposal of the Tamil Nadu Housing Board. Thus, the allotment which was granted in the year 1993 was cancelled on 14.12.2005. This Court considered the merits elaborately and passed final orders on



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19.04.2011, directing the authorities to pass appropriate final orders after considering the reply given by the petitioner within a period of three months.

3.The learned counsel appearing on behalf of the Tamil Nadu Housing Board, now made a submission that the Tamil Nadu Housing Board has not passed any final orders pursuant to the directions issued by this Court in WP.No.41327 of 2005 dated 19.04.2011. However, the petitioner also had not pursued the remedy vigilantly. The learned counsel for the petitioner states that the petitioner was approaching the Tamil Nadu Housing Board regularly for the purpose of securing final orders pursuant to the directions issued by this Court. However, finally the petitioner filed W.P.No.27778 of 2016, after a lapse of about 11 years from the date of passing of the final orders in W.P.No.41327 of 2005. Thus, this Court, without considering the merits, dismissed the writ petition on the ground of laches since there was a delay of 11 years in filing the writ petition.



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4.The learned counsel for the petitioner now states that the petitioner was continuously approaching the Housing Board Authorities for passing of the final orders and the process was in progress. Thus, it is not as if he gave up the matter during the relevant point of time. If at all, the files are alive and the petitioner contends that no final orders have been passed by the authorities which has been now accepted by the Tamil Nadu Housing Board, the respondents shall pass final orders if the files are alive and if the petitioner is also pursuing the matter.

5.With these clarifications the writ petition stands **disposed of**. Accordingly, the order passed in WP No.27778 of 2016 stands reviewed to the extent of issuing direction to the authorities to pass final orders as expeditiously as possible if the files are alive. No costs. Consequently, connected miscellaneous petition stands closed.

23.03.2023

(Sha)

Index : Yes

Speaking order : Yes

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To

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S.M.SUBRAMANIAM, J.

(Sha)

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