



W.P.No.14336 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.14336 of 2023
and
W.M.P.No.15169 of 2023**

N.Balakrishnan

... Petitioner

Vs.

1. The Secretary,
Tamil Nadu Housing Board,
Nandanam,
Chennai – 600 035.
2. The Executive Engineer,
Tamil Nadu Housing Board,
Pattinapakkam Division,
Nandanam,
Chennai – 600 035.
3. The Chief Revenue Officer,
Tamil Nadu Housing Board,
CMDA Building,
E and C Shop Road,
Koyambedu.



W.P.No.14336 of 2023

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4. The Secretary,
Housing and Urban Development Department,
Fort St.George,
Chennai – 600 009.

... Respondents

(R4 impleaded vide order dated 18.05.2023 made
in W.M.P.No.15168 of 2023 in W.P.No.14336 of
2023 by CVKJ)

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, directing the first respondent to
dispose the appeal dated 12.07.2022 filed by the petitioner, within a time
frame as may be fixed by this Court and consequently, forbear the
respondents from evicting or taking any other coercive action against the
petitioner, pending disposal of the appeal filed by the petitioner dated
12.07.2022 before the first respondent.

For Petitioner : Mr.Niranjana Rajagopalan
for M/s.G.R.Associates

For Respondents : Mr.D.Veerasekaran
Standing Counsel for R1 to R3

Mr.V.Manoharan
Additional Govt. Pleader for R4



W.P.No.14336 of 2023

ORDER

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This Writ Petition has been filed for a direction to the first respondent to dispose of the appeal dated 12.07.2022 filed by the petitioner, within a time frame as may be fixed by this Court and consequently, forbear the respondents from evicting or taking any other coercive action against the petitioner, pending disposal of the appeal filed by the petitioner dated 12.07.2022 before the first respondent.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a resident of the Tamil Nadu Housing Board, Pattinapakkam M.I.G.Flats, having been allotted MIG Flat E3, in the year 2003. The third respondent, without following the provisions contemplated under Section 84 of the Tamil Nadu State Housing Board Act, 1961, had unilaterally cancelled the allotment order vide cancellation order dated 01.06.2022. Aggrieved by the same, the petitioner preferred an appeal before the first respondent on 12.07.2022. Furthermore, without affording an opportunity to the petitioner or considering his appeal, the second respondent has repeatedly been issuing letters to the petitioner, directing



W.P.No.14336 of 2023

him to vacate the premises of the Foreshore Estate Tenement. Hence, the petitioner has filed the present Writ Petition with the aforesaid prayer.

3. Though very many grounds have been raised in the Writ Petition, it would suffice, if this Court may issue a direction to the fourth respondent to dispose of the petitioner's appeal dated 12.07.2022 and pass appropriate orders, within a time frame that may be fixed by this Court.

4. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the fourth respondent to dispose the petitioner's appeal dated 12.07.2022 and pass appropriate orders, on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to take coercive steps.



W.P.No.14336 of 2023

WEB COPY

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

06.06.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

1. The Secretary,
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2. The Executive Engineer,
Tamil Nadu Housing Board,
Pattinapakkam Division,
Nandanam, Chennai – 600 035.
3. The Chief Revenue Officer,
Tamil Nadu Housing Board,
CMDA Building,
E and C Shop Road,
Koyambedu.
4. The Secretary,
Housing and Urban Development Department,
Fort St.George,
Chennai – 600 009.



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W.P.No.14336 of 2023

M.DHANDAPANI,J.

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**W.P.No.14336 of 2023
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06.06.2023