



W.M.P.Nos.397, 369, 367, 372 and 403 of 2023

in

Rev. Aplw. SR.Nos.131861, 131853, 131860, 131859 and 131856 of 2022

in

W.P.Nos.18961, 18793, 18978, 18957 and 18960 of 2022

ABDUL QUDDHOSE.J.,

These applications have been filed to condone the delay of 49 days in filing the review applications, seeking to review the orders all dated 26.07.2022 passed in the aforesaid Writ Petitions. The reasons for the delay are disclosed in paragraph No.10 of the affidavit filed in support of these applications. As seen from the reasons, admittedly, the applicant has received the order copy on 12.09.2022 and the Divisional Office of the applicant had also forwarded the same to the Board of the applicant on 23.09.2022. Eventhough, the Board received the order copy on 23.09.2022 even as per the applicant's own admission in the affidavit, they took a decision to file a review petition much thereafter and the said review petition was filed only on 24.11.2022 with a delay of 49 days. No proper explanation has been given for the delay in the affidavit filed in support of these applications.



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2. This Court has also perused and examined the orders passed in the Writ Petitions which are the subject matter of these review petitions. As seen from the orders, the impugned orders were quashed and the petitioner was granted liberty to follow the procedure contemplated under Section 84 (2) of the Tamil Nadu Housing Board Act for evicting the petitioner by issuing show cause notice and after receiving explanation, pass final orders in accordance with law. Though the learned counsel for the review petitioner would rely upon a Judgment of the Division Bench of this Court dated 25.07.2014 in a batch of Writ Petitions in Writ Appeal Nos.1247 of 2012 and etc., batch, the said Judgment on a *prima facie* consideration will not have any bearing for the present case as the said Judgment was rendered with regard to the particular set of facts which were involved in those batch of Writ Petitions. The Division Bench in the batch of Writ Petitions in its decision referred to supra has also made it clear that Section 84 (2) of the Tamil Nadu Housing Board Act which contemplates issuance of show cause notice will have to be followed when a person authorised to occupy the premises has not sub-let without permission, otherwise occupied in contravention and has been in authorized occupation. In all these cases, where the respective first respondents were tenants under the Tamil Nadu



Housing Board, they have claimed authorised occupation and only under those circumstances, this Court had made it clear in the orders passed in the Writ Petitions that without following the procedure contemplated under Section 84 (2) of the Tamil Nadu Housing Board Act, the respective first respondents cannot be evicted. Therefore, there is also no error apparent on the face of the orders passed in the batch of Writ Petitions viz., W.P.Nos.18961, 18793, 18978, 18957 and 18960 of 2022.

3. For the foregoing reasons, there is no merit in these applications. Accordingly, these Writ Miscellaneous Petitions to condone the delay of 49 days in filing the review applications, seeking to review the orders all dated 26.07.2022 are dismissed.

03.11.2023

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