



Writ Petition No.9112 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.9112 of 2025

and

W.M.P.No.10221 of 2025

P.Lingam

S/o.Ponnaihi Nadar

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Housing Board,
Nandhanam, Chennai - 600 005.

2.The Special Tahsildar,
(Land Acquisition),
Tamil Nadu Housing Board,
Nandhanam, Chennai - 600 005.

3.The Executive Engineer,
Tamil Nadu Housing Board,
K.K.Nagar, Chennai - 600 078.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents not to take any precipitate action like dispossessing the petitioner from the land and building measuring 14 cents Survey No.233/5A, bearing Door No.54/470, Mudichur Road, Tambaram Village.



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For Petitioner : Mr.V.Ramesh
for Mr.R.Ashwanth
For Respondents : Mr.A.M.Ravindranath Jeyapal,
Standing Counsel [R1 & R3]
Mr.P.Sathish,
Additional Government Pleader [R2]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents not to take any coercive action dispossessing the petitioner from the subject property.

2. When the matter came up for hearing on 14.03.2025, this Court passed the following order:

"Mr.A.M.Ravindranath Jeyapal, learned Standing counsel, takes notice for Respondents 1 and 3 and Mr.P.Sathish, learned Additional Government Pleader, takes notice for 2nd respondent.

2. The learned counsel for the petitioner made two alternative submissions. The first submission was that already SLP has been moved against the order passed in the Writ appeal and in the review application. The alternative submission is that a request is made for releasing the property from acquisition by placing the request before the Special Committee appointed under GO Ms.No.136 dated 10.10.2023. It was further submitted that the property has already been sealed and there are some movable items available inside the building and the learned counsel sought for a direction to the respondents to open the seal to enable the petitioner to take away all the movables available inside the property.



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3. The main claim made by the petitioner can be considered later. For the present, there shall be a direction to the 3rd respondent to remove the seal from the subject property, in order to enable the petitioner to take all the available movable materials inside the property. This process shall be undertaken by tomorrow and day after tomorrow i.e on 15.03.2025 and 16.03.2025. By then, the entire movables inside the property shall be removed and thereafter, the 3rd respondent shall seal the property and take control of the same.

4. Post this case at the end of the motion list on 20.03.2025."

3. Pursuant to the earlier order passed on 14.03.2025, the matter was listed today. It was brought to the notice of this Court that the movable articles were removed from the property and the property has been sealed once again.

4. Learned counsel for the petitioner submitted that the petitioner has already made a representation dated 21.11.2024 to the first respondent to consider his claim in line with G.O.Ms.No.136, dated 10.10.2023. Learned counsel submitted that the said representation must be independently considered in the light of the previous order and the SLP that is proposed to be filed by the petitioner should not be put against the petitioner.



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5. Taking into consideration the submissions made by the learned counsel for the petitioner and also the submissions of the learned Standing Counsel appearing on behalf of the Housing Board, there shall be a direction to the first respondent to deal with the representation made by the petitioner on 21.11.2024 in line with G.O.Ms.No.136, dated 10.10.2023 and in line with the previous orders passed by this Court. A decision shall be taken by the first respondent within a period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that the first respondent will independently deal with the representation and the SLP that is proposed to be filed need not be put against the petitioner.

This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

20.03.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm



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To
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N.ANAND VENKATESH, J

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