

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.4463 of 2015

&

MP.No.1/2015

M.Thiruvenkadam

[Petitioner]

Vs

1 The Managing Director
Tamilnadu Housing Board
Nandanam Chennai-35

2 The Assistant Revenue Officer
Tamilnadu Housing Board Satellite Town
Division NO.792 TKSPM Towers Trunk Road
Poonamallee
Chennai-56

[Respondents]

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records in connection with the impugned order dated 27.1.2015 passed by the 2nd respondent and quash the same and further direct the respondents to register the sale deed in favour of the petitioner as per the allotment order dated 13.5.1996

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.V.Anandamurthy (1 & 2)

ORDER

Heard Mr.S.Sivakumar, learned counsel for the petitioner and Mr.V.Ananadamurthy, learned counsel appearing for the respondents 1 and 2 and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner has filed the present writ petition to quash the demand notice dated 27.01.2015 by which a sum of Rs.3,91,594/- has been demanded from the petitioner herein, failing which the petitioner has been informed that action would be initiated to evict the petitioner.

3.Though the petitioner has challenged the impugned proceedings which is in fact a notice, on several grounds, it is seen that the petitioner has submitted his reply dated 09.02.2015 to the show cause notice. Though the reply to the show cause notice has been submitted within the time permitted, till date no action has been taken by the respondents and on the contrary, they are threatening to evict the petitioner by resorting to the power conferred under section 84 of the Tamil Nadu Housing Board Act.

4.The petitioner would state that the entire cost payable by him has been paid and there is no jurisdiction for the 2nd respondent to issue the impugned notice. Further, it is submitted that the impugned notice itself is an outcome of the total non-application of mind.

5.In any event, the petitioner has raised all these points in his reply dated 09.02.2015. Therefore, the respondents should consider the same after affording an opportunity of personal hearing to the petitioner and pass a speaking order. Since the impugned notice does not give any details as to how the amount is demanded.

6.Accordingly, there will be a direction to the 2nd respondent to consider the petitioner's reply dated 09.02.2015, afford an opportunity of personal hearing to the petitioner and thereafter, pass a reasoned order on merits and in accordance with law. The above direction shall be complied with by the 2nd respondent within a period of four months from the date of receipt of a copy of this order. Till then, the impugned notice shall not be given effect to and shall remain stayed.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai-35.
2. The Assistant Revenue Officer
Tamil Nadu Housing Board
Satellite town Division,
No.792, TKSPM Towers Trunk Road
Poonamallee, Chennai-56.

1 CC to Mr.S.Sivakumar, Advocate SR.No. 9707

1 CC to Mr.V.Anandamurthy, Advocate SR.No. 10020

VGI (CO)
PSI (05.03.2015)

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