

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.Nos.6660 & 6661 of 2015

MP.Nos.1 & 1 of 2015

G.Babu ..Petitioner in W.P.No.6660 of 2015]

Saraswathi Babu ...Petitioner in W.P.No.6661 of 2015

Versus

1.The Managing Director
Tamil Nadu Housing Board,
Nandanam, Chennai-35.

2.The Assistant Revenue Officer
Tamil Nadu Housing Board
Thirumazhisai Satellite Town Division,
No.792, TKSPM Towers Trunk Road
Poonamallee, Chennai-56

..Respondents in W.P.Nos.6660 & 6661 of 2015

Writ petitions 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 13.01.2015 passed by the 2nd respondent and to quash the same and further direct the respondents to register the sale deed in favour of the petitioner as per the allotment order dated 04.03.1993 and 01.04.1995 respectively.

For Petitioners : Mr.S.Sivakumar

For Respondents : Mr.V.Anandamurthy

COMMON ORDER

Heard Mr.S.Sivakumar, learned counsel for the petitioners and Mr.V.Ananadamurthy, learned counsel appearing for the respondents and with their consent, the writ petitions are disposed of at the admission stage itself.

2.The petitioners have filed these present writ petitions to quash the demand notice dated 09.06.2000 by which a sum of Rs.3,55,600/- have been demanded from the petitioners herein, failing which the petitioners have been informed that action would be initiated to evict the petitioners.

3.Though the petitioners have challenged the impugned proceedings which is in fact a notice, on several grounds, it is seen that the petitioners have submitted their reply by way of representation dated 02.03.2015 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 petitioners by resorting to the power conferred under section 84 of the Tamil Nadu Housing Board Act.

4.The petitioners would state that the entire cost payable by them have 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 petitioners have raised all these points in their reply dated 02.03.2015. Therefore, the respondents should consider the same after affording an opportunity of personal hearing to the petitioners 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 petitioners' reply dated 02.03.2015, afford an opportunity of personal hearing to the petitioners 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 petitions are disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition are closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

ssd/srn

To

1.The Managing Director
Tamil Nadu Housing Board,
Nandanam, Chennai-35.

2.The Assistant Revenue Officer
Tamil Nadu Housing Board
Thirumazhisai Satellite Town Division,
No.792, TKSPM Towers Trunk Road
Poonamallee, Chennai-56

+1 C.C. to Mr.S.Sivakumar, Advocate, SR.No.13330.

+2 C.C. to Mr.V.Anandamurthy, Advocate, SR.No.13342 & 13343.

WP.Nos.6660 & 6661 of 2015
MP.Nos.1 & 1 of 2015

KK(CO)
KP(25.03.2015)



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