

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 18.04.2016****Coram:****THE HONOURABLE MR.JUSTICE B.RAJENDRAN****W.P(MD)Nos.7151, 7152 & 7153 of 2015****and****M.P(MD)Nos.1, 1, 1, 2, 2, 2, 3, 3 & 3 of 2015**

T.Raja ... Petitioner in W.P(MD)No.7151 of 2015

Mohan ... Petitioner in W.P(MD)No.7152 of 2015

S.Anitha ... Petitioner in W.P(MD)No.7153 of 2015

vs.

1.The Superintending Engineer,
Tamil Nadu Housing Board,
Madurai Circle,
Ellis Nagar,
Madurai - 16.

2.The Executive Engineer and
the Administrative Officer,
Trichy Housing Unit,
Kasamalai Colony,
Trichy - 620 020.

3.The Manager,
Sales Service,
O/o.Executive Engineer and
Administrative Officer,
Trichy Housing Unit,
Kasamalai Colony,
Trichy - 620 020.

... Respondents in all W.P's

COMMON PRAYER:Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the second respondent vide his proceedings in Letter Nos.R4/7354/14, R4/7362/4 and R4/7365/14 respectively dated 22.04.2015 and quash the same as illegal and consequently direct the respondents to execute the sale deed to the petitioner in respect of the Flat in H.I.G. Flat Nos.8, 7, 6 respectively in the Ariyalur Kurumpanchavadi Scheme - III (Ariyalur - SFS PH III) within the time limit stipulated by this Court.



For Petitioner : Mr.R.Devaraj
(in all W.P's) for Mr.M.S.Jeyakarthik

For Respondents : Mr.V.Sivaramalingam
(in all W.P's)

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COMMON ORDER

These petitions have been filed by the petitioners seeking for a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the second respondent vide his proceedings in Letter Nos.R4/7354/14, R4/7362/4 and R4/7365/14 respectively dated 22.04.2015 and quash the same as illegal and consequently direct the respondents to execute the sale deed to the petitioners in respect of the Flat in H.I.G. Flat Nos.8, 7, 6 respectively in the Ariyalur Kurumpanchavadi Scheme - III (Ariyalur - SFS PH III) within the time limit stipulated by this Court.

2. The petitioners, who are the original allottees of Flat Nos.13, 26 and 18 respectively, made a request to re-allot Flat Nos.8, 7 and 6 respectively, which was granted by the Department on 05.03.2015.

3. According to the petitioners, these orders have been cancelled without notice to the petitioners on the ground that it is not the scheme area. Their grievance is that since the order is passed without notice, which is against the principles of natural justice, they would seek for setting aside the order, dated 22.04.2015.

4. In the counter filed on the side of the respondents, they would only state that the alternative place allotted is not in the scheme area. Further, the Officer who passed the order was about to retire. Earlier, there was a mistake and that has been clarified and therefore, the impugned orders have been passed. Hence, they would contend that the impugned orders are correct.

5. The learned counsel appearing for the respondents submitted that till date the Flats are not allotted to anyone else.

6. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents.

7. On a careful reading of the order, one thing is clear that the impugned orders have been passed without notice to the concerned persons. Earlier as there was violation in allotting the flats, the petitioners should have been given an opportunity of hearing. Further, in these cases, this has not been done. Whether



the Flats are out of the scheme area or not are all these things are that has been projected as an additional improvement in the counter.

8. In view of the same, the impugned orders are set aside and the matters are remitted back to the authority concerned and the petitioners should be given an opportunity and the authority concerned is directed to take into consideration the fact that, if till date allotment has not been given to anybody else, pass orders on the same within a period of four months from the date of receipt of a copy of this order.

9. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

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Sales Service,
O/o.Executive Engineer and
Administrative Officer,
Trichy Housing Unit,
Kasamalai Colony, Trichy - 620 020.

+1cc to Mr.V.Sivaramalingam, Advocate in SR.No.21956

+3cc to Mr.M.S.Jeyakarthik, Advocate in SR.Nos.22443, 22444, 22445

SDR/SKS-RR/SAR II/02.06.2016/3P/8C

**W.P (MD) Nos.7151, 7152
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**and
M.P (MD) Nos.1, 1, 1, 2, 2,
2, 3, 3 & 3 of 2015
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