

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

W.P.No.943 of 2017 &
W.M.P.Nos.945 & 946 of 2017

1 Padma
2 Uma Maheswari
3 Thilakavathy
4 Nagamani
5 Lakshmi
6 Gowri
7 Selvi
8 Sivakami
9 Karthiga
10 Badri
11 Kalpana
12 Jothimani
13 Vijayasanthi
14 Kalimuthu
15 Santhi
16 Anjali
17 Sakthi
18 Chellammal
19 Rani
20 Pappa
21 Bagavathy
22 Jayanthi
23 Nandhini

.. Petitioners

1 The District Collector
Coimbatore District
Coimbatore
2 The Block Development Officer
Karamadai Union
Coimbatore District
3 The Executive Officer
Odandurai Village Panchayat
Mettupalayam Taluk
Coimbatore District

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari to call for the records pertaining to the proceedings of the 2nd respondent in Na.Ka.No.541/ 2016/A2, dated 14.11.2016 and quash the same as illegal, incompetent and ultra vires.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.A.N.Thambidurai
Special Govt. Pleader - for R1

Ms.M.E.Raniselvam - for R2 & R3

O R D E R

The petitioners have filed the above writ petition to issue a Writ of Certiorari to call for the records pertaining to the proceedings of the 2nd respondent dated 14.11.2016 and to quash the same as illegal, incompetent and ultra vires.

2. Heard Mr.M.Guruprasad, learned counsel appearing for the petitioners, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the 1st respondent and Ms.M.E.Raniselvam, learned counsel appearing for the respondents 2 and 3.

3.1 According to the petitioners, they are the residents of the Odandurai Village and working as coolies for daily wages and that they used to stay in the lands where they work in a small hut. In the year 1999, the respondents had constructed 119 group houses to an extent of 160 sq.ft. each. Subsequently, the members of the family could not live in these small houses, therefore, they gave representations to the respondents seeking for additional houses. The respondents identified the land and the land was also gifted to the 3rd respondent Panchayat. Thereafter, the 2nd respondent found the petitioners as eligible for the allotment of houses and eventually, the 2nd respondent, by order dated 06.06.2016, given work order for all the petitioners for commencement of the construction work.

3.2 As per the order dated 06.06.2016 of the 2nd respondent, have to construct the houses and the Government will bar a sum of Rs.1,20,000/- (Rupees one lakh and twenty thousand only) out of the total extent. The petitioners have also started constructing the houses. At this juncture, by order dated 14.11.2016, the 2nd respondent had cancelled the

work order dated 06.06.2016 unilaterally, without affording an opportunity of personal hearing to the petitioners.

4. Mr.M.Guruprasad, learned counsel appearing for the petitioners submitted that the only grievance of the petitioners is that the 2nd respondent had cancelled the work order even without giving an opportunity of hearing to the petitioners.

5. Ms. M.E.Raniselvam, learned counsel appearing for the respondents 2 and 3 submitted that the houses sought to be constructed by the petitioners lies in an unapproved layout, therefore, the 2nd respondent had cancelled the work order. Hence, the order passed by the 2nd respondent is legally sustainable.

6. Since the 2nd respondent had cancelled the work order by the impugned order dated 14.11.2016, even without giving an opportunity of hearing to the petitioners, which is violative of principles of natural justice, I am of the view that the 2nd respondent should have issued notice to the petitioners and after hearing them, should have passed suitable orders. Since it is brought to the notice of this court that the petitioners had already started constructing the houses, the 2nd respondent should have issued notice to the petitioners before passing the impugned order.

7. Since the petitioners were not put on notice prior to the issuance of the impugned order dated 14.11.2016, only on the ground, the impugned order is liable to be set aside. Accordingly, the impugned order dated 14.11.2016 is set aside and the 2nd respondent is directed to issue notice to the petitioners and after hearing, the 2nd respondent is directed to pass orders, on merits and in accordance with law.

With these observations, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Rj

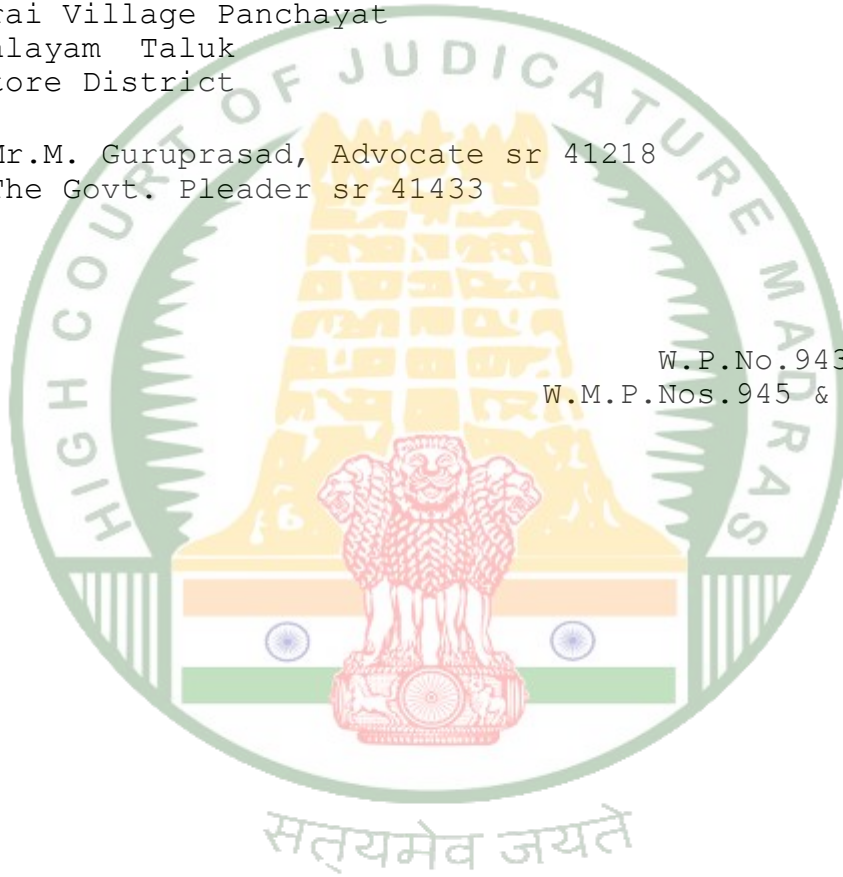
To

1. The District Collector
Coimbatore District
Coimbatore
2. The Block Development Officer
Karamadai Union
Coimbatore District
3. The Executive Officer
Odandurai Village Panchayat
Mettupalayam Taluk
Coimbatore District

+1 CC to Mr.M. Guruprasad, Advocate sr 41218
+1 CC to The Govt. Pleader sr 41433

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BR(CO)
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