

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.18384 of 2017

&

W.M.P.No.19953 of 2017

M.Rajeswari

...Petitioner

v.

1 The Chairman
Tamil Nadu Housing Board
No.493, Anna Salai
Nandanam, Chennai 600 035

2 The District Revenue Officer(Schemes)
493, Anna Salai, Nandanam
Chennai 600 035

3 The Executive Engineer
and Administrative Officer
Tirunelveli Housing Unit
Kamaraj Salai
Tirunelveli 627 011

4 The Pay and Accounts Officer
Pay and Accounts Office Treasury
Senkottai, Tirunelveli District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the first respondent to consider and dispose of petitioner's representation dated 29.05.2017.

For Petitioner : Mr.N.Ganesh

For Respondents : Mr.V.Anandhamoorthy
Standing Counsel - for R1 to R3

Mr.Era. Premnath
Government Advocate - for R4

O R D E R

Mr.V.Anandhamoorthy, learned Standing Counsel, takes notice for the respondents 1 to 3 and Mr.Era. Premnath, learned Government Advocate, takes notice for the 4th respondent. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the first respondent to consider and dispose of her representation dated 29.05.2017

3. By order dated 25.04.2017, the 3rd respondent requested the Head Master of the S.M.S.S. Government Boys Higher Secondary School, Shengottai, Tirunelveli District, to recover the rent from the petitioner's salary and remit the same to the Government Treasury Account.

4. Though the petitioner has not challenged the impugned order passed by the 3rd respondent, Mr.V.Anandhamoorthy, learned Standing Counsel, appearing for the respondents 1 to 3, submitted that the order passed by the 3rd respondent is liable to be set aside in view of the provisions of section 84 of the Tamil Nadu Housing Board Act. The learned counsel further submitted since no notice has been issued to the petitioner prior to the passing of the order dated 25.04.2017, the same may be set aside.

5. In view of the fair submissions made by the learned Standing Counsel, appearing for the respondents 1 to 3, the order dated 25.04.2017 is set aside and the matter is remanded back to the 3rd respondent for fresh consideration. The 3rd respondent is directed to issue notice to the petitioner, under section 84 of the of the Tamil Nadu Housing Board Act and thereafter pass necessary orders, in accordance with law.

With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

- 1 The Chairman
Tamil Nadu Housing Board
No.493, Anna Salai
Nandanam, Chennai 600 035
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Chennai 600 035
- 3 The Executive Engineer
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Tirunelveli 627 011
- 4 The Pay and Accounts Officer
Pay and Accounts Office Treasury
Senkottai
Tirunelveli District

+2ccs to Mr.N.Ganesh, Advocate, S.R.No. 50467

+1cc to Mr.V.Anandhamoorthy, Advocate, S.R.No. 50730

+1cc to the Government Pleader, S.R.No. 50991

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PSI 31.07.2017

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