

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.24997 of 2012

and M.P.Nos.1 to 3 of 2012

and WP. 25807 of 2012 and

M.P.Nos.1 and 2 of 2012

Rajamani ... Petitioner in both W.Ps.

Vs

- 1.The Chairman & Managing Director,
Tamilnadu Housing Board,
Nandanam, Chennai 600 035.
- 2.The Executive Engineer &
Administrative Officer,
Besant Nagar Division,
Tamil nadu Housing Board,
Adyar, Chennai 600 020.
- 3.The Allottees Service Manager,
Besant Nagar Division,
Tamil nadu Housing Board,
Dr.Muthulakshmi Road,
Adyar, Chennai 600 020. .. Respondents in both W.Ps.

Prayer in W.P.No.24997 of 2012 .: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the records of Second respondent's proceedings in Memo No.O.Thu.1.7/23398/2012 dated 10.08.2012 and quash the same with respect to cancellation of petitioner's HIG flat No.10/01, Thiruvalluvar Nagar, Thiruvanmiyur, Chennai 600 041 and directing the respondents to execute the sale deed in favour of the petitioner within a time fixed by this Court.

Prayer in W.P.No.25807 of 2012 : Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the records of first respondent's proceedings in Letter No.Othukeydu 3/17074/88 dated 04.09.2012 and quash the same with respect of cancellation of petitioners HIG flat No.10/01 Thiruvalluvar Nagar,

Thiruvannamiyur, Chennai 41 and directing the respondents to execute the sale deed in favour of the petitioner within a time fixed by this Court.

For Petitioner (in both cases) : Mr.M.Muthuappan
For Respondents (in both cases) : Mr.V.Yuvakumar

C O M M O N O R D E R

These writ petitions have been filed to issue a writ of Certiorarified Mandamus calling for the records of first respondent's proceedings in Memo No.O.Thu.1.7/23398/2012 dated 10.08.2012 and the 2nd respondents Letter No.Othukeedu 3/17074/88 dated 04.09.2012 and for quash the same with respect to cancellation of petitioner's HIG flat No.10/01, Thiruvalluvar Nagar, Thiruvannamiyur, Chennai 600 041 and for the direction to the respondents to execute the sale deed in favour of the petitioner within a time Pursuant to the order dated 10.08.2012.

2. According to the petitioner, she was allotted a HIG Flat No.H10/1 (G.F.) under Hire purchase Agreement Scheme. The petitioner has paid the entire cost for the above said allotment. The second respondent issued show-cause notice in the year 1993 stating as to why the allotment should not be cancelled on the ground of suppressing the fact that her husband Manickam has already been allotted a house at Trichy.

3. It is further submitted that the petitioner's husband has never got any allotment of house at Trichy. The petitioner's husband name is Angamuthumanickam @ Alamuthumanickam and because of similarity of the name, the authority has passed the impugned order cancelling the allotment order granted in favour of the petitioner. The petitioner came to know that her sister's husband name is A.Manickam, who has settled at Trichy, where the petitioner's husband has got an allotment of Flat No.A2 under Hire Purchase Scheme. Therefore, the second respondent issued the show cause notice on the ground that the petitioner has suppressed the earlier allotment of Flat at Trichy and subsequently got the another allotment pursuant to the order of this Court. The above said Manickam has restored the allotment order granted to him. However, the respondent has cancelled the allotment to the petitioner. Therefore, the petitioner has filed the present writ petition before this Court.

4. In the counter affidavit it is stated that the writ petitioner has not produced any document before the authority to prove the case of the petitioner. Therefore, the impugned order has been passed. The petitioner has made a subsequent representation on 22.03.2013 pending the above writ petition. The petitioner has also received a reply directing her to approach the Administrative (Executive Engineer) Besant Nagar

Division, Chennai. Further, the petitioner has also made a representation to the Chairman of the Tamil Nadu Housing Board contending that she would file necessary document to prove that her husband's name is Angamuthu manickam @ Alamuthu Manickam. The said representation is pending before the Chairman, Chennai.

5. The petitioner prays before this court that an opportunity may be given to place the necessary documents before the Authority concerned to establish her case that her sister's husband name is Manickam and by mistake the Housing Board found that the petitioner's husband has already got an allotment.

6. In the light of the above, the impugned order passed by the Managing Director/1st respondent is liable to be quashed and the respondent shall pass orders after giving opportunity for filing the necessary documents before the authority concerned. The petitioner shall make a representation to the first respondent and produce the necessary documents to support her case.

7. To meet the ends of justice, this court is inclined to quash the impugned order passed by the respondent board. The petitioner is directed to furnish a copy of the representation dated 22.03.2013 along with a copy of the order and also necessary documents to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondent shall give notice to all the parties including the petitioner and her husband viz., Angamuthumanickam @ Alamuthumanickam and the petitioner's sister's husband viz., Manickam and pass orders on merits within a period of twelve weeks thereafter.

8. The writ petition is disposed of with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kkd
To

1.The Chairman & Managing Director,
Tamilnadu Housing Board,
Nandanam, Chennai 600 035.

2.The Executive Engineer &
Administrative Officer,
Besant Nagar Division,
Tamil nadu Housing Board,
Adyar, Chennai 600 020.

3.The Allottees Service Manager,
Besant Nagar Division,
Tamil nadu Housing Board,
Dr.Muthulakshmi Road,
Adyar, Chennai 600 020.

+1cc to Mr.M. Muthappan, Advocate, S.R.No.7188
+1cc to Mr.V. Yuvakumar, Advocate, S.R.No.7134
+1cc to Mr. M. Muthappan, Advocate sr.no.7189

ss (CO)
md(04/04/2017)

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and 25807 of 2012 and
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