

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.12.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.5661 of 2014
and

M.P.Nos.1 & 2 of 2014

P.Krishnaraj

... Petitioner

-Versus-

1.Tamil Nadu Housing Board,
Rep. by its Managing Director,
Chennai 600035.

2.Executive Engineer cum Administration Officer,
Kovai Housing Development Division,
Tamil Nadu Housing Board,
Tatabad, Coimbatore-12.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the entire records of the 2nd respondent relating to letter in No.A17/3040/2011 dated 21.01.2014 and to quash the same and for a consequential direction to the 2nd respondent to execute a sale deed in respect of MIG Flat No.B15, Nehru Nagar, Kalapatti Scheme, Coimbatore Housing Development Division.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.V.Anandamoorthy

ORDER

This writ petition challenges the validity of the order dated 21.01.2014 passed by the 2nd respondent in Letter No.A17/3040/2011 canceling the order of allotment of a flat made in favour the petitioner and for a consequential direction to the 2nd respondent to execute a sale deed in respect of MIG Flat No.B15, Nehru Nagar, Kalapatti Scheme, Coimbatore Housing Development Division.

2. According to the petitioner, he was allotted with a MIG Flat bearing Flat No.B15, Nehru Nagar, Kalapatti Scheme, Coimbatore Housing Development Division by the 2nd respondent.

Pursuant to the allotment, he had paid the entire sale consideration to the board. But, so no sale deed has been executed in his favour. The grievance of the petitioner is that when he approached the 2nd respondent for getting the sale deed executed in his favour, the impugned order came to be passed without assigning any reason whatsoever. According to the petitioner, neither there was any notice nor enquiry conducted before passing the impugned and the impugned order has been passed in total violation of principles of natural justice.

3. The learned counsel for the petitioner submitted that the petitioner has got a valid order of allotment of order in his favour. While so, without assigning any reason whatsoever, the impugned order came to be passed by the 2nd respondent thereby canceling the order of allotment in favour of the petitioner. Further, according to the learned counsel, neither notice was issued nor enquiry was conducted before passing the impugned order and the 2nd respondent did not at all follow the principles of natural justice on this ground alone the impugned order is liable to be set aside.

4. The learned standing counsel for the respondent board, on instructions, submitted that the impugned order has been passed without any enquiry whatsoever.

5. A perusal of the order impugned in this writ petition would go to show that the same has been passed without any notice and enquiry and it does not even contain any reason and the ground on which the order of allotment in favour of the petitioner was sought to be cancelled. In the considered opinion of this court, the impugned order is liable to be set aside on the sole ground of violation of principles of natural justice. This writ petition succeeds accordingly.

6. In the result, the writ petition is allowed and the impugned order is set aside. If at all there is any violation on the part of the petitioner, it is always open to the 2nd respondent to issue notice to the petitioner and conduct a proper enquiry and pass appropriate orders. No costs. Consequently, connected WMPs are closed.

kmk

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

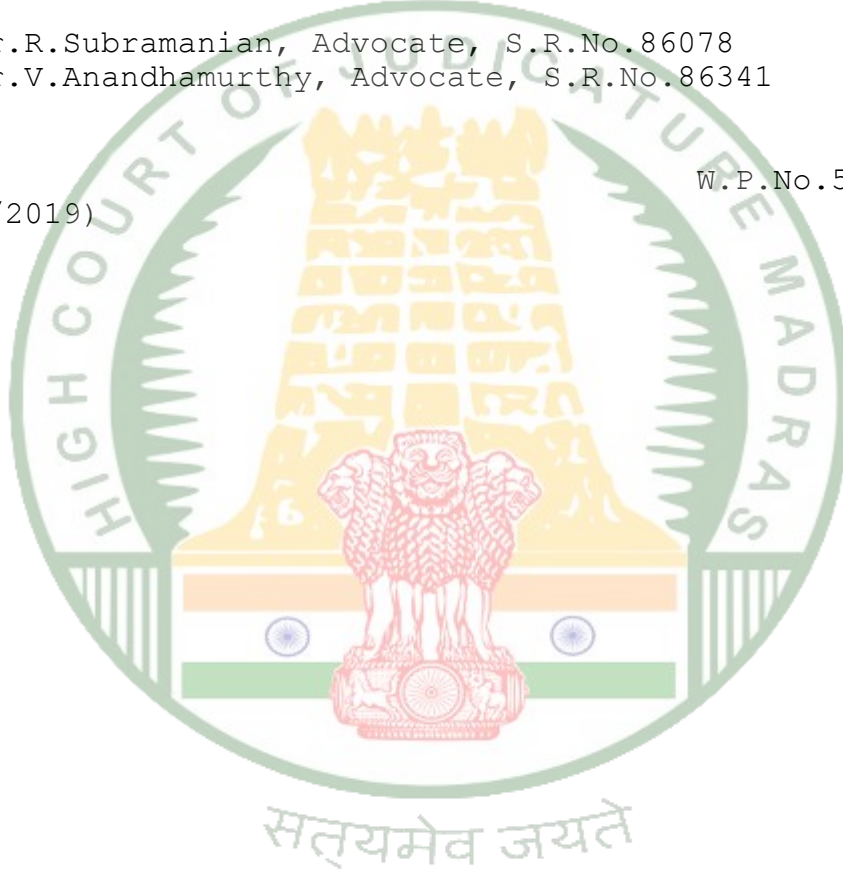
1. The Managing Director,
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2. The Executive Engineer cum
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Tamil Nadu Housing Board,
Tatabad, Coimbatore-12.

+1cc to Mr.R.Subramanian, Advocate, S.R.No.86078

+1cc to Mr.V.Anandhamurthy, Advocate, S.R.No.86341

W.P.No.5661 of 2014

kak (29/01/2019)



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