

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.25956 of 2018 and
WMP No.30159 of 2018

1.M.Nagabhushanam
2.M.Manimaran

...Petitioners

-vs-

- 1.The Executive Engineer and Administrative Officer,
Thirumazhisai Satellite Town Division,
Tamilnadu Housing Board,
No.792, TKSPM Towers (1st Floor)
Trunk Road, Poonamallee,
Chennai -56.
- 2.The Allottee Service Manager,
Special Division III,
Tamilnadu Housing Board,
C-48, Anna Nagar, 2nd Floor,
Chennai -40.
- 3.The Executive Engineer & Administrative Officer,
Tamilnadu Housing Board,
K.K.Nagar Division,
Ashok Nagar, Chennai -83.
- 4.The Chairman cum Administrative Director,
Tamilnadu Housing Board,
Nandanam, Chennai -35.
- 5.The District Revenue Officer,
Tiruvallur District, Tiruvallur.
- 6.The District Collector,
Tiruvallur District,
Tiruvallur.
- 7.The Secretary,
Harijan Welfare Department,
Government of Tamilnadu,
Secretariat, Fort St.George,
Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified mandamus, calling for the records pertaining to the eviction notice dated 23.05.2018 passed by the first respondent and earlier records relating to the acquisition proceedings from 1 cent of land comprised in S.No.70/2 of 162, Jagajeevanram Street, Tirur Village, Tiruvallur Taluk and District at the instance respondents 2 to 6 and quash the same and consequently give direction to the respondents 2 to 6 to issue free Kudiyiruppu patta to the petitioners.

For Petitioners : Mr.P.Johnson

For Respondents : Mr.V.Anadhamoorthy
Addl.Govt.Pleader for R1 to R4
Mr.R.Udhayakumar
Addl.Govt.Pleader
for R5 to R7

O R D E R

[Order of the Court was delivered by
K.K.SASIDHARAN,J.]

The notice issued by the Tamil Nadu Housing Board under Section 84(2) of the Tamil Nadu Housing Board Act, 1961, is under challenge at the instance of the petitioners.

2. We have heard the learned counsel for the petitioners. Mr.V.Anandhamoorthy, learned Additional Government Pleader takes notice on behalf of respondents 1 to 4 and Mr.R.Udhayakumar, learned Additional Government Pleader takes notice on behalf of respondents 5 to 7.

3. The proceedings under challenge is only a show cause notice issued under Section 84(2) of the Tamil Nadu Housing Board Act. The Housing Board issued the impugned notice to the second petitioner alleging that he is an encroacher in respect of the property covered by Award No.4/87 dated 18.08.1989.

4. Before issuing the final order of eviction under Section 84(1) of the Act, the competent authority has to issue a show cause notice to the person who is in unauthorised occupation. It was only pursuant to Section 84(2) of the Act, competent authority issued the notice to the second petitioner. The petitioners have already submitted their explanation. It is for the respondents to consider the explanation and pass appropriate orders on merits.

5. We direct the first respondent to consider the explanation stated to have been given by the petitioners and pass appropriate orders on merits and as per law. Status quo as on today shall be maintained till orders are passed by the first respondent.

7. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

svki

To

- 1.The Executive Engineer and Administrative Officer,
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- 6.The District Collector,
Tiruvallur District,
Tiruvallur.

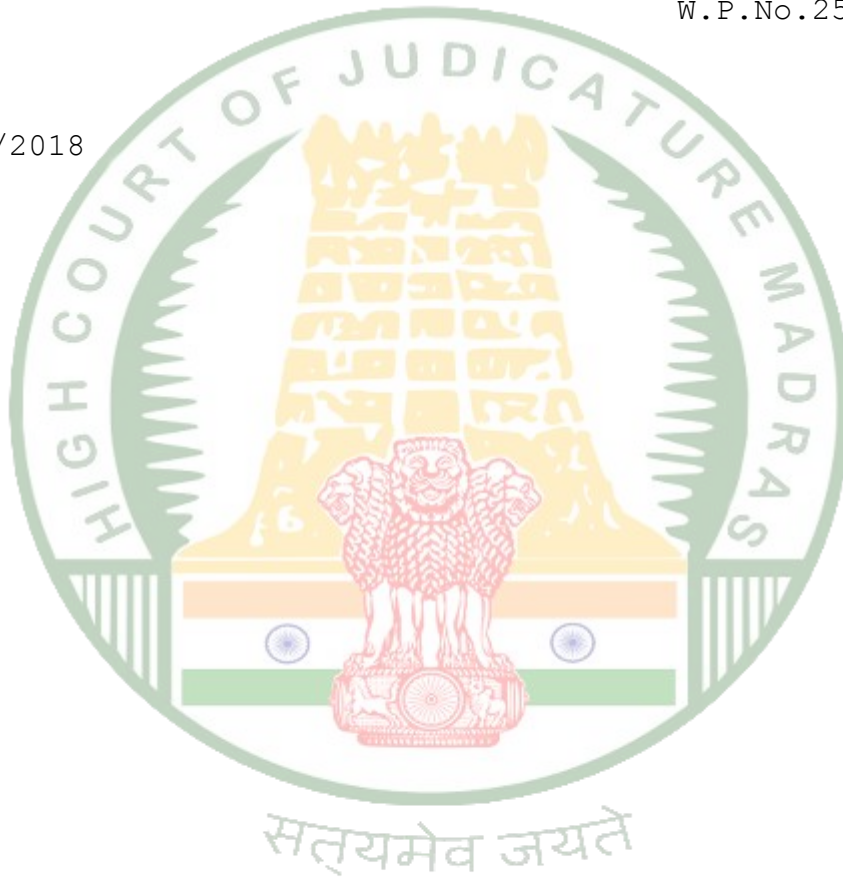
7.The Secretary,
Harijan Welfare Department,
Government of Tamilnadu,
Secretariat, Fort St.George,
Chennai.

+1cc to Mr.V.Anandhamurthy, Advocate, S.R.No.68321
+1cc to Mr.P.Johnson, Advocate, S.R.No.68066
+1cc to the Government Pleader, S.R.No. 68576

W.P.No.25956 of 2018

GSP(CO)

rrs 05/10/2018



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