

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 23.07.2019
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.Nos.32525 and 32561 of 2004
and WP.MP.Nos.39397, 39398, 39437 and 39438 of 2004

Malarkodi ..Petitioner in W.P.No.32525 of 2004

Rangasamy ..Petitioner in W.P.No.32561 of 2004

vs

The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Salem Division,
5/1, Ramakrishna Road,
Salem 7.

..Respondent in both the petitions

Common Prayer:- The Writ Petitions are filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari to call for the records of the respondent relating to the impugned order dated 27.10.2004 made in Na.Ka.No.2362/B3/04 and quash the same.

For Petitioner : Mr.S.Muthukumar
(in both the petitions)

For Respondents : Mr.R.Sivakumar
(in both the petitions)

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COMMON ORDER

Heard the learned counsels appearing on either side and perused the materials available on record.

2. These Writ Petitions have been filed for issuance of a Writ of Certiorari to quash the order of the respondent dated 27.10.2004 made in Na.Ka.No.2362/B3/04, whereby the allotment of house plots Nos.29 and 30 were cancelled by the respondent.

3. According to the petitioners, who are husband and wife, the Tamil Nadu Housing Board had allotted vacant land bearing plot Nos.29 and 30 of Kamaraj Colony, Kombadipatti Village, Salem District in favour of the petitioners in the year 1997. It is the case of the petitioners that after the allotment of the

said plots they had constructed a house covering both the plots and are residing therein. It is further stated that the house was assessed to property tax by the Municipality of Kalparapatti, Salem District on 27.03.1997. However, the said allotment was cancelled by the respondent through the impugned order.

4. The impugned order has been assailed by the petitioners on the ground that it was arbitrary, illegal and against the principles of natural justice.

5. From a perusal of the impugned order, it is seen that the allotment of plot Nos.29 and 30 were cancelled on the grounds that the petitioners failed to pay the monthly subscription and they did not put up any construction till 2004. However, the documents enclosed in the typed set of papers reveal that the petitioners have already constructed a house and the same was assessed for property tax by the local body in the year 1997. It is to be seen that before passing the impugned order, no opportunity of personal hearing was provided to the petitioners.

6. In the light of the above facts, the order impugned in these Writ Petitions are set aside and the matter is remanded back to the respondent, who shall pass orders afresh, after affording ample opportunity to the petitioners in accordance with law. Accordingly, the Writ Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

pvs

To

The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Salem Division,
5/1, Ramakrishna Road,
Salem 7.

+2 ccs to M/s.J.MuthuKumar Advocate sr62741 & 62740

W.P.Nos.32525 and 32561 of 2004

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