

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.Nos.27456 to 27458 of 2009 and
M.P.Nos.1 to 1 and 2 to 2 of 2009

G.Ramesh Babu .. Petitioner in W.P.No.27456/2009
P.Selvaraj .. Petitioner in W.P.No.27457/2009
A.Khaja Kareem .. Petitioner in W.P.No.27458/2009

Vs.

1. The Chairman,
Hawking Zone Implementation Committee,
Greenways Road, Chennai.
2. The Zonal Officer, Zone-3,
Corporation of Chennai,
No.71, Dr.Ambedkar College Road,
Pulianthope, Chennai - 600 012.
3. The Corporation of Chennai,
rep by its Commissioner,
Chennai - 600 003. .. Respondents in all 3 W.Ps

Petitions filed under Article 226 of the Constitution of India praying for issuance of Writs of certiorarified mandamus calling for the records relating to the impugned exparte order made in H.Z.I.C.C./427/2009 dated 04.12.2009 on the file of the 1st respondent herein and the consequential order dated 17.12.2009 passed in Ma.Aa.3 Na.Ka.No.Ward-47/03/2009 on the file of the 2nd respondent herein and quash the same and direct the respondents to provide the petitioner an opportunity to prove his claim.

For Petitioner (in all 3 W.Ps) : Mr.P.Raja

For Respondents (in all 3 W.Ps) : Mr.V.C.Selvasekaran

C O M M O N O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

Since the issues involved in all these Writ Petitions are identical, all the Writ Petitions are disposed of by this common order.

2.The petitioners have challenged the exparte order dated 04.12.2009 on the file of the 1st respondent and the consequential order dated 17.12.2009 on the file of the 2nd respondent and to quash the same and to direct the respondents to provide an opportunity to the petitioners to prove their claim.

3.It is the case of the petitioners that the 1st respondent has passed the impugned order dated 04.12.2009 without giving an opportunity of hearing to the petitioners.

4.On a perusal of the order dated 04.12.2009 passed by the 1st respondent, it could be seen that pursuant to the order passed by this Court dated 18.09.2009, a notice was sent to the petitioners to appear for an enquiry before the Committee on 02.12.2009 at 11:00 am with relevant records. According to the 1st respondent, the Corporation officials served the notice on the petitioners, however, none of them appeared on 02.12.2009 before the Committee. Therefore, it is clear that inspite of receiving the notice from the respondent, the petitioners willfully did not appear before the Committee. In such circumstances, the Committee passed the impugned order dated 04.12.2009. Inspite of filing Writ Petitions in W.P.Nos.19541 to 19543 of 2009 and getting a direction to the Corporation to give opportunity to them and also receiving the notices, the petitioners did not appear before the Committee for enquiry. In such circumstances, the order passed by the 1st respondent is proper.

5.Pursuant to the order dated 04.12.2009, the 2nd respondent issued the impugned order dated 17.12.2009 to hand over possession. Since the order dated 17.12.2009 is only a consequential order to the order dated 04.12.2009, it cannot be stated as incorrect or erroneous. Inspite of giving an opportunity of hearing to the petitioners, they did not appear before the 1st respondent. In these circumstances, we do not find any error or irregularity in the order passed by the

respondents. The Writ Petitions are devoid of merits and the same are liable to be dismissed. Accordingly, the Writ Petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

va

To

1. The Chairman,
Hawking Zone Implementation Committee,
Greenways Road, Chennai.
2. The Zonal Officer, Zone-3,
Corporation of Chennai,
No.71, Dr.Ambedkar College Road,
Pulianthope, Chennai - 600 012.
3. The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

+1 cc to Mr.P.Raja, Advocate, S.R.No.64756

W.P.Nos.27456 to 27458 of 2009 and
M.P.Nos.1 to 1 and 2 to 2 of 2009

NR(CO)
SSM(14/08/2019).

सत्यमेव जयते
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