

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2019

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.2933 of 2019
and W.M.P.Nos.3201 and 3202 of 2019

Sree Amman Matriculation Higher
Secondary School,
Rep by its Correspondent,
T.Jayalakshmi ... Petitioner

-Vs-

1. The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.
2. The Executive Engineer and
Administrative Officer,
Erode Housing Unit,
Tamil Nadu Housing Board,
Erode - 638 001.
3. The Manager(Sales and Service),
Erode Housing Development Section,
EVN Road, Rampattinam Road,
Erode - 638 009.
4. The Assistant Revenue Officer,
Erode Housing Development Section,
Erode - 638 009 ... Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the second respondent bearing letters No.R3/9070/98 dated 05.09.2018 and 11.01.2019 and the consequential notice of the fourth respondent dated 09.11.2019 issued under Section 84 of the Tamil Nadu Housing Board Act, 1961 and quash the same and consequently direct the respondents to afford an opportunity of personal hearing to the petitioner.

For Petitioner :Mr.K.Elango

For Respondents :Mr.V.Anandhamurthy

O R D E R

The petitioner has filed this Writ Petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the order passed by the second respondent bearing letters No.R3/9070/98 dated 05.09.2018 and 11.01.2019 and the consequential notice of the fourth respondent dated 09.11.2019 issued under Section 84 of the Tamil Nadu Housing Board Act, 1961 and quash the same and consequently to direct the respondents to afford an opportunity of personal hearing to the petitioner.

2. As per the impugned order dated 05.09.2018, the petitioner-School was directed to pay a sum of Rs.2,36,33,065/-, as rental arrears. Earlier, there was a demand notice, which was put under challenge in a Writ Petition filed by this petitioner in W.P.No.35045 of 2013 and this Court directed the respondents to afford an opportunity of hearing to the petitioner and then pass orders.

3. As per the demand notice dated 01.06.2018, the arrears amount payable by the petitioner was of Rs.1,95,57,002.00 and as per the demand notice dated 05.09.2018, the arrears amount was Rs.2,36,33,065.00. The petitioner had also sent a reply on 14.11.2018 pointing out an error specifically mentioning that the amount has doubled and there is no break up of the sum given. Despite the same, the present demand notice dated 11.01.2019 has been issued demanding the payment of Rs.2,36,33,065/- and also stated that if there is any default in payment, further interest would be added. As the demand notice itself is highly arbitrary and without application of mind, the learned counsel appearing for the petitioner sought to set aside the same.

4. Admittedly, there was no opportunity afforded to the petitioner before arriving at a sum, despite a direction given by this Court on an earlier occasion.

5. In such circumstances, this Court is inclined to set aside the impugned order and accordingly, the impugned order is set aside and the Writ Petition is allowed. The matter is

remitted back to the second respondent to re-consider the said issue and the second respondent is directed to give a fresh notice to the petitioner and after affording sufficient time and opportunity of personal hearing to him, he shall arrive at a sum that may be payable by the petitioner-School. However, the said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srn
To

1. The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.
2. The Executive Engineer and
Administrative Officer,
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Erode - 638 001.
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EVN Road, Rampattinam Road,
Erode - 638 009.
4. The Assistant Revenue Officer,
Erode Housing Development Section,
Erode - 638 009.

+1cc to Mr.K.Elango, Advocate Sr.8711
+1cc to Mr.V.Anandhamurthy, Advocate Sr.9071

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kji[co]
srg 27/02/2019