

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.8675 of 2019
and
W.M.P.No.9213 of 2019

R.Amudha

... Petitioner

Vs

The Executive Engineer
Cum Administrative Officer,
Salem Housing Unit,
Iyan Thirumaligai Road,
TNHB, Salem - 8,
Salem District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records in letter No.R4/1644/10 dated 01.03.2019 passed by the respondent and quash the same.

For Petitioner : Mr.M.Elango

For Respondent : Mr.R.Bharath Kumar, Standing Counsel

O R D E R

Mr.R.Bharath Kumar, learned Standing Counsel takes notice for the respondent. By consent, this writ petition is taken up for final disposal at the stage of admission itself.

2. The petitioner is aggrieved against the proceedings of the respondent dated 01.03.2019, wherein and whereby, the respondent has cancelled the allotment of Plot No.C-9, Alagapuram Scheme (புறநகர் திட்டம்), Salem Housing Unit-2, on the reason that the petitioner has not come forward to pay the cost of the plot.

3. It is seen that the very same petitioner approached this Court and filed a writ petition in W.P.No.3252 of 2019 challenging the proceedings of the very same respondent dated 17.12.2018, wherein and whereby, she was called upon to pay the balance amount of Rs.2,68,23,810/- before 31.12.2018 towards the

cost of the plot allotted to her on discretionary quota. This Court, disposed of the said writ petition by order dated 06.02.2019 and permitted the petitioner to pay the amount within a period of three months from the date of receipt of the impugned communication therein.

4. It is stated that the said communication was received by the petitioner only on 22.01.2019 and therefore, the petitioner is having time till 22.04.2019 to pay the amount as permitted by this Court in the said order dated 06.02.2019. However, in the meantime, the present impugned order was passed on 01.03.2019 without taking note of the order passed by this Court in W.P.No.3252 of 2019.

5. The learned learned Standing Counsel appearing for the respondent fairly submitted that the present impugned order was passed without taking note of the order passed in W.P.No.3252 of 2019 granting three months time to make such payment. Therefore, he submitted that this order may be set aside and the matter may be remitted back to the respondent, for the parties to comply with the direction already issued by W.P.No.3252 of 2019.

6. Considering the above stated facts and circumstances and in view of the order passed in W.P.No.3252 of 2019 dated 06.02.2019, this Court is of the view that the present impugned order passed on 01.03.2019 cannot be sustained. Accordingly, this Writ Petition is allowed and the impugned order is set aside. Consequently, the parties are directed to adhere to the order already passed in W.P.No.3252 of 2019 dated 06.02.2019 without seeking for any further extension of the time granted therein. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gsi/vsi

To

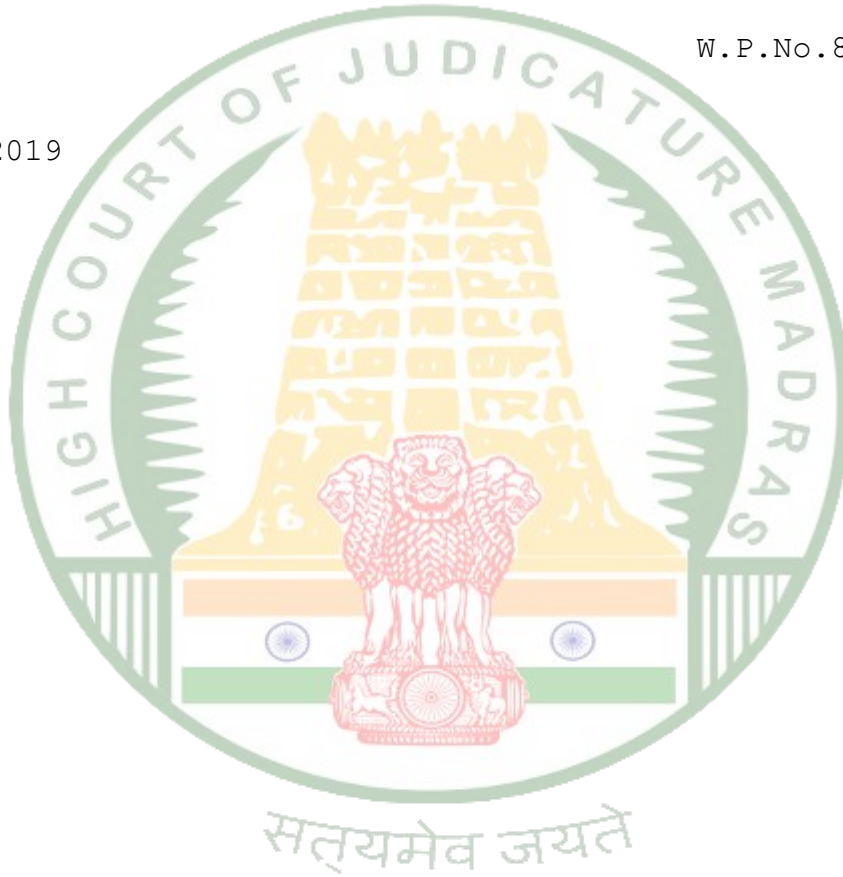
The Executive Engineer Cum Administrative Officer,
Salem Housing Unit,
Iyan Thirumaligai Road,
TNHB, Salem - 8,
Salem District.

+lcc to Mr.M.Elango Advocate sr.no.27587

+lcc to Mr.R.Bharath Kumar, Advocate sr.no.27415

W.P.No.8675 of 2019

vba(co)
nr 03/05/2019



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