

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.01.2019

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE
AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY
W.P.Nos.33219, 33222 and 33227 of 2018

S.Ramamurthy .. Petitioner in
W.P.No.33219/2018
Lasya .. Petitioner in
W.P.No.33222/2018
M.Lingasamy .. Petitioner in
W.P.No.33227/2018

-vs-

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.

3.The Chief Revenue Officer,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.

4.The Executive Engineer,
K.K. Nagar Division,
Tamil Nadu Housing Board,
Ashok Nagar Shopping Complex,
Ashok Nagar,
Chennai - 600 083.

5.The Competent Authority,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.

.. Respondent in all WPs.

W.P.No.33219 of 2018 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records relating to the notice dated 03.07.2018 under Section 84(2) of the Tamil Nadu Housing Board Act, 1961 by the 5th respondent and to quash the same in respect of the land of an extent of 2007 sq. ft. bearing Plot No.120 & 121 Part comprised in S.No.51/1, Valasaravakkam Village, Saidapet Taluk, Chengalpet District (Presently Maduravoyal Taluk & Thiruvallur District) as the land acquisition proceedings stands lapsed as per Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013.

W.P.No.33222 of 2018 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records relating to the notice dated 03.07.2018 under Section 84(2) of the Tamil Nadu Housing Board Act, 1961 by the 5th respondent and to quash the same in respect of the land of an extent of 2625 sq. ft. bearing Plot No.96 comprised in S.No.51/1, Valasaravakkam Village, Saidapet Taluk, Chengalpet District (Presently Maduravoyal Taluk & Thiruvallur District) as the land acquisition proceedings stands lapsed as per Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013.

W.P.No.33227 of 2018 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records relating to the notice dated 03.07.2018 under Section 84(2) of the Tamil Nadu Housing Board Act, 1961 by the 5th respondent and to quash the same in respect of the land of an extent of 1590 sq. ft. bearing Plot No.97 comprised in S.No.51/1, Valasaravakkam Village, Saidapet Taluk, Chengalpet District (Presently Maduravoyal Taluk & Thiruvallur District) as the land acquisition proceedings stands lapsed as per Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013.

For Petitioners : M/s.AL.Ganthimathi

For Respondents : Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c)
for respondent No.1 all WP's

Mr.V.Anandamoorthy
for respondent Nos.2 to 5
in all WP's

COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioners have approached this Court against the notices dated 03.07.2018 issued under Section 84(2) of the Tamil Nadu Housing Board Act, 1961.

2. On going through the said notices dated 03.07.2018, it is seen that notices issued by respondent No.5 are only show cause notices, in which, the petitioners have been called upon to tender their explanation and only if the explanation tendered is not acceptable, final order under Section 84(1) of the Tamil Nadu Housing Board Act, 1961 would be passed to evict the petitioners. As the impugned notices issued to the petitioners are only show cause notices, it would be open to the petitioners to reply to the same. At this juncture, we are not inclined to interfere with the same. However, if the petitioners send reply within a period of one week from today, the concerned authority to consider the reply and thereafter, take a decision thereon in accordance with law.

3. With the above observation, the writ petitions are dismissed. No costs. Consequently, all connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Managing Director,
Tamil Nadu Housing Board,
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Chennai - 600 035.

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Ashok Nagar Shopping Complex,
Ashok Nagar,
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5.The Competent Authority,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.

+3ccs to M/s. AL.Ganthimathi, Advocate, S.R.No.2508 to 2510

W.P. Nos.33219, 33222 & 33227 of 2018

rrs 09/01/2019



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