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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.4115 of 2020

N.Ramachandran

... Petitioner

vs.

1. The Chairman & Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.
2. The Secretary-cum-personnel officer,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.
3. The Executive Officer & Administrative Officer,
Tamil Nadu Housing Board,
Hosur Housing Unit,
Bagallur Road,
Hosur - 635 109.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Certiorarified Mandamus calling for the records relating to the impugned communication in Letter No.Othukeedu 3(3)/54109/2008, dt. 29.01.2020 on the file of the 2nd respondent herein, quash the same and consequently direct the respondents herein to forward the application of the petitioner to the Revocation Committee constituted by the Tamil Nadu Housing Board.

For Petitioner	: Mr.K.Govi Ganesan
For Respondents	: Mr.D.Veerasekaran, Standing Counsel

ORDER

This writ petition has been filed challenging the impugned communication dated 29.01.2020 issued by the second respondent rejecting the representation submitted by the petitioner seeking for revocation of the cancellation of allotment.



2. The petitioner was earlier allotted a commercial plot by the respondent Board. According to the petitioner, he had paid more than 50% of the sale price. Since there was a delay in payment of the balance amount, the respondents had cancelled the allotment. The petitioner challenged the said cancellation by filing a writ petition in W.P.No.16503 of 2009. By order dated 11.07.2019 passed in the said writ petition, this Court quashed the cancellation order of the respondents and remanded the matter back to the Revocation Committee constituted by the respondent Board. The Revocation Committee was directed to pass final orders in accordance with law as expeditiously as possible. Pursuant to the direction given by this Court on 11.07.2017 in W.P.No.16503 of 2009, the impugned communication dated 29.01.2020 came to be issued by the second respondent rejecting the petitioner's request for revocation of the cancellation. Aggrieved by the said impugned communication, the petitioner has filed this writ petition on the ground that though the direction was given only to the revocation committee by this Court in W.P.No.16503 of 2009 in its order dated 11.07.2019, the impugned communication has been issued by the second respondent who is a Secretary and is not the Revocation Committee.

3. Heard Mr.K.Govi Ganesan, learned counsel for the petitioner and Mr.D.Veerasekaran, learned standing counsel for the respondents.

4. Admittedly, the impugned communication has been issued only by the second respondent and not by the Revocation Committee. A clear direction was given by this Court on 11.07.2019 in W.P.No.16503 of 2009 that the request of the petitioner will have to be considered only by the Revocation Committee. Therefore, by total non-application of mind to the said order, the present communication (impugned communication) has been sent by the second respondent who is only a Secretary.

5. Since the impugned communication has been issued by a Secretary not in accordance with the direction given by this Court on 11.07.2019 in W.P.No.16503 of 2009, the impugned communication has to be necessarily quashed and the matter is remanded back to the Revocation Committee of the Tamil Nadu Housing Board for fresh consideration and the Revocation Committee shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing within a period of twelve weeks from the date of receipt of a copy of this Order.



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6. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

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To

1. The Chairman & Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.
2. The Secretary-cum-personnel officer,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.
3. The Executive Officer & Administrative Officer,
Tamil Nadu Housing Board,
Hosur Housing Unit,
Bagallur Road, Hosur - 635 109.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.33760
+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.33404

W.P.No.4115 of 2020

PMK[co]
NSK/20/06/2022