



W.P.No.4652 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.4652 of 2013
and MP No.1 of 2013

R.Duraisamy

.. Petitioner

Vs.

1. Tamil Nadu Housing Board,
Rep. By its Managing Director,
Annasalai, Nandanam,
Chennai 600 035
2. The Manager Sales and Service
J.J.Nagar Division,
Tamil Nadu Housing Board,
Thirumangalam,
Chennai 600 101

.... Respondents

PRAYER.: This Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of proceedings of the 2nd respondent made in Letter No. JJ/A5/2217/2010 dt 13.2.2013.



WEB COPY



W.P.No.4652 of 2013

For Petitioner : Mr.S.Thirumavalavan
For Respondents : Mr.D.Veeraraghavan
Standing counsel

ORDER

This writ petition has been filed challenging the impugned show cause notice dated 13.02.2013 issued by the 2nd respondent.

2. The case of the petitioner is that the respondent Housing Board called for applications for allotment of flats and the application itself provided for various terms and conditions which must be fulfilled by the applicant.

3. The further case of the petitioner is that the petitioner made an application for two flats bearing No.H8/7 in Nolambur scheme and Flat No.H1/35 in Iyappakam Village Scheme. It is stated that the allotment was made under both the schemes in favour of the petitioner and the petitioner also started paying the installments and he also entered into a lease



W.P.No.4652 of 2013

cum sale agreement with the Housing Board.

WEB COPY

4. The petitioner remitted the entire amount insofar as the flat in lyappakkam scheme is concerned and the possession of the flat was handed over to the petitioner. With respect to the Flat in Nolambur scheme, the petitioner paid five installments and he was due and payable one more installment and the construction was going on during the relevant point of time. The petitioner also deposited money towards a separate car parking insofar as the Flat in Mogappair scheme is concerned.

5. It is at this point of time, the impugned show cause notice dated 13.02.2013 came to be issued to the petitioner asking the petitioner to show cause as to why both the allotments should not be cancelled on the ground that the petitioner had violated conditions 3 and 4 in the application submitted by the petitioner.



W.P.No.4652 of 2013

6. The petitioner on receipt of the show cause notice, gave a reply to the 2nd respondent on 19.02.2013. Since, the petitioner apprehended that the respondents will proceed further to cancel both the allotments, the present writ petition was filed before this Court.

7. The 1st respondent has filed a counter affidavit and has justified the circumstances under which the impugned show cause notice was issued to the petitioner on the ground that the petitioner violated the terms and conditions of the application.

8. Heard Mr.S.Thirumavalavan, learned counsel for the petitioner and Mr.D.Veerasekaran, learned Standing Counsel for respondents.

9. In the considered view of this Court, there is no need for this Court to decide the merits of the claim made by the petitioner and the defence taken by the respondent Housing



W.P.No.4652 of 2013

Board. There was an interim order that was operating in favour of the petitioner from the year 2013 onwards and by virtue of the same, the petitioner is now in possession and enjoyment of the flat insofar as the lyappakkam village scheme is concerned. However, the flat in the Nolambur scheme is yet to be handed over to the petitioner. This status quo continues.

10. In view of the above, this Court deems it fit to direct the 2nd respondent to consider the reply given by the petitioner for the show cause notice and take a decision in accordance with the terms and conditions of application within a stipulated time.

11. In light of the above, this writ petition is disposed of with a direction to the 2nd respondent to consider the reply given by the petitioner on 19.02.2013 and deal with the same strictly in accordance with the terms and conditions of the application and take a decision within a period of six weeks from



W.P.No.4652 of 2013

the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the 2nd respondent along with the relevant documents and also a copy of the reply given to the show cause notice on 19.02.2013. A copy of this order shall also accompany the representation. No costs. Consequently, the connected miscellaneous petition is also closed.

07.07.2022

rka

To

1. Tamil Nadu Housing Board,
Rep. By its Managing Director,
Annasalai, Nandanam,
Chennai 600 035

2. The Manager Sales and Service
J.J.Nagar Division,
Tamil Nadu Housing Board,
Thirumangalam,
Chennai 600 101



WEB COPY



W.P.No.4652 of 2013

N.ANAND VENKATESH, J.
rka

W.P.No.4652 of 2013

07.07.2022