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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.11592 of 2018
and
W.M.P.No.13564 of 2018

Raja

...Petitioner

Vs

1. The Chief Secretary,
Government of Puducherry,
Puducherry State.

2. The Director,
Adhi Dravidar Welfare Department,
Puducherry,
Puducherry State.

... Respondents

Prayer Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 13.07.2017 in accordance with law and direct the respondents to permit the petitioner to live peacefully in his free house allotted by the respondents on 01.06.2015 House Site No.31 at Nettapakkam Post, Puducherry State to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.C.T.Ramesh
Addl.Government Pleader
(Puducherry)

ORDER

This Writ Petition has been filed, for the issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 13.07.2017 in accordance with law and direct the respondents to permit the petitioner to live peacefully in his free house allotted by the respondents on 01.06.2015 House Site No.31 at Nettapakkam Post, Puducherry State to secure the ends of justice.



2. According to the petitioner, a house site was allotted to him during June, 2015, by the Adhi Dravidar Welfare Department/the second respondent herein and the petitioner was in possession of the house site since 01.06.2015. However, all of the sudden, the second respondent issued a show cause notice dated 30.06.2017, to the petitioner stating that the petitioner is not eligible for the allotment of house as per the Rules and Regulations, therefore, the same was cancelled. The petitioner raised objection through the representation dated 13.07.2017. However, the same was not considered by the second respondent. Hence, the present Writ Petition has been filed.

3. In a similar set of facts, this Court passed the following order in W.P.No.3253 of 2018 etc., batch.

"7. It is seen from the records that the orders of allotment made in favour of the petitioners came to be cancelled on various grounds such as (i) the petitioners have suppressed the material particulars relating to their employment, source of livelihood etc., (ii) the petitioners or their family members such as father, mother, sister or brother already own house site or housing plots in their name and therefore, the petitioner is not entitled for free house site allotment as per the scheme (iii) the housing units allotted to the petitioners are occupied by some third parties and most of the petitioners are not in possession of the houses allotted to them (iv) the petitioner or his/her spouse is working in various Departments of the Government or Government Undertakings, while so, such petitioner is not entitled for assignment of free house site. The third respondent, having noticed such violations, issued a show cause notice to the petitioners and called upon them to submit their explanation as to why the orders of assignment issued to them be not cancelled.

8. To the show cause notices issued by the third respondent, the petitioners have submitted their explanation repudiating the various allegations levelled against them. The petitioners



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have specifically denied having committed any breach of the conditions of assignment. However, the third respondent, without considering such objections or affording an opportunity of hearing to the petitioners, have passed the impugned orders of cancellation, cancelling the allotment made in their favour.

9. This Court has perused the orders, which are impugned in this writ petition and found that they are stereotyped orders without any application of mind. Further, the third respondent received the explanations submitted by the petitioners. However, in many of the orders of cancellation, the explanations offered by the petitioners have not even referred to. Thus, it is evident that the third respondent has not considered the explanations offered by the petitioners denying the allegations raised by the third respondent in the show cause notices. The third respondent has merely issued the show cause notices and received the explanations from the petitioners to make it as if the principles of natural justice has been adhered to. However, in the absence of consideration of the explanations submitted by the petitioners to the show cause notice, the orders, which are impugned in these writ petitions, cannot be legally sustained. It is no doubt true that the third respondent is empowered to cancel the orders of assignment in case of any violation as per Rule 11 of the orders of assignment and it cannot be ignored.

10. In such view of the matter, the orders of cancellation passed by the third respondent, which are impugned in these writ petitions, are set aside and the writ petitions are disposed of with the following directions:-

(i) The petitioners are directed to submit documentary evidence to the third



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5. In the result, this Writ Petition is disposed of. No Costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Secretary,
Government of Puducherry,
Puducherry State.
2. The Director,
Adhi Dravidar Welfare Department,
Puducherry,
Puducherry State.

Copy to

Raja,
W/o.Asha,
No.2, Weavers quarters,
Nettapakkam Post, Puducherry State,
Puducherry - 605 106.

+1cc to the Government Pleader, S.R.No.3896

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PL[co]
NSK 11/02/2022