



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.5235 of 2022

and

W.M.P. (MD)Nos.4260 and 4262 of 2022

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M.Sundari

... Petitioner

vs.

1.The Executive Engineer-cum-
Administrative Officer,
Tamil Nadu Housing Board,
Madurai Housing Unit, Ellis Nagar,
Madurai - 625 016.

2.The Dean/Principal,
Government Sivagangai Medical College Hospital,
Sivagangai District, Sivagangai.

3.The Dean,
Government Rajaji Hospital, Madurai - 625 020. ... Respondents

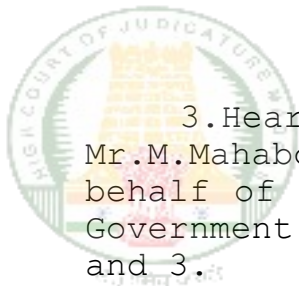
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the Impugned Letter passed by the first respondent vide his Letter No.B2/657/2015, dated 03.12.2021 and quash the same as illegal.

For Petitioner	:Mr.J.Lawrance
For R1	:Mr.M.Mahaboob Athiff
For R2 and R3	:Mr.M.Lingadurai
	Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the impugned letter issued by the first respondent, dated 03.12.2021 intimating the second respondent with the copy marked to the petitioner that the petitioner will have to pay penalty for the alleged unauthorised usage of residential quarters by her, despite the fact that she has been transferred from Madurai to Sivagangai.

2.The petitioner has challenged the impugned letter on the ground of violation of principles of natural justice, as she has not been heard by the first respondent before issuing the impugned letter.



3.Heard Mr.J.Lawrance, learned Counsel for the petitioner, Mr.M.Mahaboob Athiff, learned Standing Counsel, who takes notice on behalf of the first respondent and Mr.M.Lingadurai, learned Special Government Pleader, who takes notice on behalf of the respondents 2 and 3.

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4.The learned Standing Counsel for the first respondent, on instructions, would submit that the impugned letter may be treated as a show cause notice issued by the first respondent to the petitioner and the petitioner may be directed to send a reply to the said letter stating her objection and then the first respondent shall consider the objection and thereafter, on affording a fair hearing to the petitioner, shall pass final orders with regard to the penalty proceedings initiated by the first respondent as per Clause-26 of the agreement entered into between the petitioner and the first respondent. The said statement is recorded. The learned Counsel for the petitioner agrees for this suggestion.

5.After recording the statement made by the respective Counsels, this Court treats the impugned letter, dated 03.12.2021 as a show cause notice issued to the petitioner and the petitioner is directed to send a reply to the impugned letter within a period of two weeks from the date of receipt of a copy of this order stating her objection and on receipt of the said reply, the first respondent is directed to pass final orders with regard to the penalty proceedings for the alleged un-authorized occupation of the petitioner of the residential quarters on merits and in accordance with law after affording a fair hearing to the petitioner and granting her the right of personal hearing, within a period of four weeks thereafter.

6.With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

1.The Executive Engineer-cum-
Administrative Officer,
Tamil Nadu Housing Board,
Madurai Housing Unit, Ellis Nagar,
Madurai - 625 016.



2.The Dean/Principal,
Government Sivagangai Medical College Hospital,
Sivagangai District, Sivagangai.

3.The Dean,
Government Rajaji Hospital, Madurai - 625 020.

+1 CC to M/s.SPL GP (SR-14528[F] dated 25/03/2022)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-14434[F] dated 25/03/2022)

W.P. (MD)No.5235 of 2022

24.03.2022

RK(04/04/2022) 3P 6C