



W.P.No.13552 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.04.2023

C O R A M

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.13552 of 2023

and W.M.P.No.13227 of 2023

TNHB Pattinapakkam MIG Residential Welfare Association
Represented by its President,
Kavingar K.Amudhan,
No.J-5, MIG Block, Foreshore Estate,
Chennai-600028.

... Petitioner

Vs

- 1.The Secretary to Government of Tamilnadu
Department of Housing, Fort St.George,
Chennai-600009.
2. The Chairman cum Managing Director,
Tamilnadu Housing Board,
Nandanam, Chennai-600035.
3. The Chief Revenue Officer,
Tamilnadu Housing Board,
CMDA Commercial Complex,
E & C Market Road, Koyenbedu,
Chennai-600107.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus or any other order of direction in the nature of writ calling for the records of the respondent No-3 in his proceedings No.VaVaa.P-4/13312/2015 dated 17.04.2023 and quash the same and thereby consequently direct the respondents to observe the due process of law causing show cause notice under section 84 of Tamil Nadu Housing Board Act 1961 to all the members of the petitioner society.

For Petitioner ... M/s.S.Senthilnathan

For Respondents ... Mr.E.Veda Bagath Singh,
Special Government Pleader for R1

... Mr.D.Veerasekaran,
Standing Counsel (TNHB) for R2 & R3

ORDER

This Writ Petition has been filed assailing the impugned order of the 3rd respondent and for a consequential direction to the respondents to follow due process of law by issuing show cause notice under Section 84 of Tamil Nadu Housing Board Act 1961 to all the members of the Petitioner Society.



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2. The petitioner herein is a tenant under Tamilnadu Housing Board. It

is the case of the petitioner that the eviction order dated 01.06.2022 which was issued by the 3rd respondent has already been challenged before this Court in W.P.No.18957 of 2022, wherein this Court had quashed the said eviction order vide order dated 26.07.2022 on the ground that the procedure contemplated under Section 84(2) of the Tamil Nadu Housing Board Act has not been followed to the illegal occupants, pursuant to which, show cause notice was issued only to the occupants who have filed Writ Petitions. However, no notice was issued to the petitioner association. Based on the said show cause notice, the present impugned eviction order has come to be passed. Challenging the same, the petitioner is before this Court.

3. Learned counsel for the petitioner submits that the main grievance of the petitioner is that the petitioner association was not put to notice under Section 84 of the Tamil Nadu Housing Board Act and no opportunity of personal hearing has been granted to the petitioner before passing the impugned order. Hence, the impugned order dated 17.04.2023 needs interference.



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4. On the above contention, this Court heard the learned standing counsel appearing for respondents 2 & 3 and perused the materials available on record.

5. It is evident from the impugned eviction order dated 17.04.2023 that no notice was issued to the petitioner association prior to the passing of the present impugned order, however, the show cause notice has been issued only to the occupants who have filed the Writ Petitions challenging the impugned eviction order dated 01.06.2022. The present impugned order states that individual notice cannot be issued to the petitioner association as no direction has been issued by this Court as to issuance of individual notice. Merely, because the petitioner was issued with show cause notice, the petitioner cannot claim that procedure contemplated under the Act has not been followed before passing the impugned order. Hence, the prayer sought for in this Writ Petition cannot be granted. If at all the petitioner association has any grievance with the present eviction order, it is open for the petitioner to approach the competent authority for appropriate relief.



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6. This Writ Petition stands dismissed with the above observation.

There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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Index: Yes/No

Internet: Yes

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M.DHANDAPANI, J

NHS

To

- 1.The Secretary to Government of Tamilnadu
Department of Housing, Fort St.George,
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