



W.P.No.21352 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P. No.21352 of 2023

and

W.M.P.Nos.20759 & 20760 of 2023

D.Ramesh

...Petitioner

Vs.

1. The District Collector,
Villupuram District,
Villupuram.
2. The Block Development Officer (BP),
Vanur at Tiruchitrambalam,
Villupuram District.
3. The Tahsildar,
Vanur Taluk,
Vanur,
Villupuram District.
4. The President,
Village Panchayat,
Kozhuvari Village,
Vanur Taluk,
Villupuram District.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the proceeding in Se.Mu.Aa.No.A10/641/2010 dated .04.2023 on the file of the first respondent and consequential order in ref No.A3/2005/2023 dated .07.2023 on the file of the second respondent and quash the same and consequently direct the respondents to handover the possession of the House No.8, Samathuvapuram, Kozhuvari Village, Vanur Taluk, Villupuram to the petitioner. (Prayer amended vide order dated 24.08.2023 made in WMP.No.22623 of 2023 in W.P.No.21352 of 2023)

For Petitioner : Mr.K.Balaji

For Respondents : Mr.P.Muthukumar
Government Pleader

ORDER

This Writ Petition is filed challenging the order passed by the first respondent cancelling the allotment made to the petitioner at Samathuvapuram, Koduvari Village, Vanur Taluk, Villupuram District. The impugned order was passed by the first respondent mainly on the ground that the petitioner failed to occupy the house allotted to him in Samathuvapuram.



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2. The learned counsel for the petitioner submitted that the impugned cancellation order was passed without issuing show cause notice to the petitioner.

3. The learned Government Pleader appearing for the respondents by taking this Court to the counter affidavit filed by the first respondent submitted that before passing impugned cancellation order, two notices were issued to the petitioner on 05.07.2022 and 03.04.2023 mentioning that the petitioner failed to occupy the house allotted to him and therefore if he fails to occupy the house allotted to him forthwith, the allotment would be cancelled.

4. In reply, the learned counsel appearing for the petitioner submitted that show cause notices were not served on the petitioner. Therefore the respondents are directed to produce the original file relating to the issue of show cause notice.

5. Today, the original file is produced before this Court. A perusal of the show cause notice dated 05.07.2023 and 03.04.2023 would suggest that



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the first show cause notice was received by the petitioner himself and the second show cause notice appeared to have been served on the wife of the petitioner.

6. The learned counsel for the petitioner after getting instructions from the petitioner, who is present before the Court, submitted that the two notices were received by him. However, the copies of the notice was not served on the petitioner, but signature alone was obtained.

7. This kind of submission made by the petitioner cannot be accepted for the simple reason that the petitioner has not raised his objections immediately after the two notices. If really signature was obtained without serving copy of the notices, the petitioner should have raised a complaint to the higher officials immediately. The first representation of the petitioner regarding the continuation of the allotment was submitted by him only on 12.07.2023 i.e., after the impugned cancellation order. Even in the representation of the petitioner submitted on 12.07.2023 there is no allegation to the effect that show cause notices were not served on him and his signature was obtained, without serving the copy of the notice.



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8. In such circumstances, the submission of the learned counsel for the petitioner is not acceptable to this Court and consequently this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
dna

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S.SOUNTHAR, J.
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