



WEB COPY



WP No.21866 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WP No.21866 of 2023
and WMP No.21199 of 2023

Princy Thomas

.. Petitioner

-vs-

The Executive Engineer and Administrative
Officer, Anna Nagar Division,
Tamil Nadu Housing Board,
Thirumangalam, Chennai 600 101.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records relating to the impugned notice dated 28.06.2023 bearing Letter No.A.Na.Ko/Survey/ 0273/2017-/ on the file of the respondent and quash the same.

For the Petitioner

: Mr.V.Raghavachari
Senior Counsel
for Mr.V.Arul

For the Respondents :

Mr.A.M.Ravindranath Jeyapal
Standing Counsel for TNHB

* * * * *



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ORDER

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(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Mr.V.Raghavachari, learned senior counsel for the petitioner and Mr.A.M.Ravindranath Jeyapal, learned standing counsel for the respondent.

2. Mr.V.Raghavachari, learned senior counsel for the petitioner, submits that the petitioner was given permission by the competent authority to erect structure on the writ land. Now, directions have been given by the Executive Engineer and Administrative Officer to remove the structure put up by the petitioner on the ground that it is an encroachment on the Board's land.

3. The learned counsel for the Board submits that the land in question has been acquired under an award and handed over to the Board on 03.03.1988. The petitioner has unlawfully encroached upon the same.



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4. It is not disputed that prior to the impugned order, no opportunity was given to the petitioner to give his explanation. The elementary rules of natural justice require an opportunity to be given.

5. In light of that, the impugned order dated 28.06.2023 (page 53) shall be construed as a show cause notice to the petitioner. The petitioner shall file reply to the same within a period of fifteen days from today. The respondent, after considering the reply of the petitioner, may pass fresh orders in accordance with law.

The writ petition accordingly is disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(P.D.A., J.)

31.07.2023

Index : yes/no

Neutral Citation : Yes/No

sra



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(sra)

To:

The Executive Engineer and Administrative
Officer, Anna Nagar Division,
Tamil Nadu Housing Board,
Thirumangalam, Chennai 600 101.

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