



WEB COPY



W.P.No.22701 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2023

CORAM :

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

AND

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

W.P.No.22701 of 2023

N.Balasingh

.. Petitioner

Vs

- 1.The Tamilnadu Housing Board,
rep. by its Chairman,
No.331, Anna Salai, Nandanam,
Chennai-600 035.
- 2.The Executive Engineer & Administration Officer,
Tamilnadu Housing Board,
Anna Nagar Division,
Thirumangalam, Chennai-600 101.
- 3.The Joint Secretary,
Tamilnadu Housing Board,
Koyambedu, Chennai-600 107.
- 4.The Commissioner,
The Greater Corporation of Chennai,
Rippon Building,
Chennai-600 003.



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5.The Zonal Officer,
Zone-7, Greater Chennai Corporation,
Ambattur, Chennai-600 053.

6.P.Ganesan

7.Mahalakshmi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the case from the file of the second respondent relating to the impugned proceedings dated 30.06.2023 in Letter No.A/Na/Ko/Survey/0273/2017 and quash the same as illegal, arbitrary, against the facts and circumstances of the case and violative of principles of natural justice.

For the Petitioner : Mr.K.J.Parthasarathy

For the Respondents : Mr.Ravindranath Jeyapaul
for respondents 1 to 3

: Mr.N.R.Ramesh Kanna
for respondents 4 and 5

ORDER

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

We have heard Mr.K.J.Parthasarathy, learned counsel for the petitioner; Mr.Ravindranath Jeyapaul, learned counsel for



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respondents 1 to 3 and Mr.N.R.Ramesh Kanna, learned counsel for respondents 4 and 5.

2. The grievance of the petitioner is that without issuing any show cause notice, the second respondent has passed an order to vacate the encroachment within 21 days. According to learned counsel for the petitioner, the petitioner is legitimately in possession of his property. No encroachment has been made by the petitioner.

3. It does not appear that the petitioner was issued with any show cause notice. In that event, the impugned order dated 30.06.2023 (Page No.198) shall be construed as show cause notice to the petitioner. The petitioner has already filed his reply to the same by submitting an objection. The second respondent shall consider the reply filed by the petitioner and take a decision with regard to the encroachment or otherwise on its own merits after considering the reply and pass orders afresh.



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4. With these observations, the writ petition is disposed of.

There will be no order as to costs. Consequently, W.M.P.Nos.22146 and 22147 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

01.08.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

- 1.The Chairman,
Tamilnadu Housing Board,
No.331, Anna Salai, Nandanam,
Chennai-600 035.
- 2.The Executive Engineer & Administration Officer,
Tamilnadu Housing Board,
Anna Nagar Division,
Thirumangalam, Chennai-600 101.
- 3.The Joint Secretary,
Tamilnadu Housing Board,
Koyambedu, Chennai-600 107.
- 4.The Commissioner,
The Greater Corporation of Chennai,
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- 5.The Zonal Officer,
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU,J.

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