



W.P(MD).No.21440 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.21440 of 2024

and

W.M.P(MD).Nos.18141 and 18142 of 2024

Esakkimuthu

... Petitioner

Vs.,

The Executive Engineer,
Tamil Nadu Urban Housing Development Board,
Tirunelveli District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned orders passed by the respondent herein in Letter No.1358/Ka.Kaa/2023 dated 21.08.2024 and quash the same.

For Petitioner : Mr.G.SAilendrababu

For Respondent : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Challenge has been made against the impugned order passed by the respondent herein in Letter No.1358/Ka.Kaa/2023 dated 21.08.2024 cancelling the order sanctioning the amount in favour of the petitioner.



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2. Heard both sides. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that he is the daily wages and working as auto driver. He was selected under the Pradhan Mantri Awas Yojna introduced by the Government of India during 2017-2018 and a sum of Rs.2,10,000/-(Rupees Two Lakhs and Ten Thousand only) was sanctioned by the respondent vide proceeding No.Se.Mu.Ka.No.1822(T.P)/Oo.Poo.(T)/2019, dated 20.01.2020. On receipt of said amount, he constructed a house and residing there. Thereafter, based on the public interest litigation filed by one R.Arunagiri, who happens to be unsuccessful candidate in the local body election, show cause notice was issued to the petitioner on 21.06.2024. The petitioner has also given detailed explanation on 25.06.2024. However, now the impugned order has been passed cancelling the sanction order and direct the petitioner to repay the said amount. Aggrieved by the same, the petitioner is before this Court.

4. In normal circumstances, this Court would have kept the writ petition pending till the respondents file counter-affidavit. In this case, on perusal of the show cause notice, it reveals that action will be taken, in the event, they find any mistake in the document submitted by the petitioner, except that, the nature of the



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violation committed by the petitioner is not specified. It also appears that the petitioner gave a detailed explanation requiring the nature of the document, however, no information was provided to the writ petitioner. Now, the impugned order has been passed simply indicating that the petitioner submitted a false document. Therefore, the impugned order is a cryptic order, without referring any document said to have been suppressed by the petitioner.

5. It is well settled that if any order is passed without giving a proper reason, the same cannot be sustained in the eye of law. Accordingly, the impugned order passed by the respondent in Letter No.1358/Ka.Kaa/2023, dated 21.08.2024 is hereby quashed and the matter is remitted back to the respondent to issue a fresh show cause notice indicating the nature of the violation committed by the petitioner, then give opportunity to the petitioner to give explanation and pass order, after giving personal hearing to the petitioner.

6. With the above direction, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

10.09.2024

NCC : Yes/No
Index : Yes/No
Rmk



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N.SATHISH KUMAR, J.

Rmk

To

The Executive Engineer,
Tamil Nadu Urban Housing Development Board,
Tirunelveli District.

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