



WEB COPY



W.P. No.40077 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.40077 of 2025

and

W.M.P. Nos.45028, 45030 and 45033 of 2025

V. Sundaram

... Petitioner

vs.

The Executive Engineer cum
Administrative Officer,
Vellore Housing Scheme,
Tamil Nadu Housing Board,
Sathuvachari Part – 1,
Vellore – 632 009,
Vellore District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari, calling for the records of the respondent in respect of his Notification No.01 to 70/2025-26, dated 29.09.2025 and quash Serial No.63 of the said notification.

For Petitioner : Mr.G. Jeremiah

For Respondent : Mr.D. Veerasekaran

ORDER

Mr.D. Veerasekaran, learned counsel takes notice for the respondent. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed challenging the Notification No.01 to



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70/2025-26, dated 29.09.2025 issued by the respondent Housing Board and seeking to quash the same insofar as Serial No.63 is concerned.

3. **Short facts :**

a) It is stated that petitioner's ancestors was in possession and enjoyment of an extent of 5600 sq. ft. of land comprised in S. No.249B/1B & 2 B now T.S. No.60 situated at Gandhi Road, Arakkonam to Tiruttani Road, Arakkonam. While so, during the year 1978, the Housing Board proposed a mini housing scheme at Arakkonam. At that time, due to threat of dispossession, the petitioner's father instituted a suit in O.S. No.145 of 1992 on the file of District Munsif, Arakkonam for declaration of title in his favour as well as for permanent injunction. Pursuant to which, permanent injunction was granted and the suit was partly allowed on 28.01.2011.

b) It is the further stated that in the year 2018, the respondent Housing Board issued eviction notice, thereby insisted the petitioner to vacate the subject property. Aggrieved by the show cause notice, initially the petitioner and three others filed writ petition viz., W.P. No.10730 of 2019. This Court dismissed the said writ petition, vide order dated 09.12.2021 and granted two weeks time to send a reply to the show cause notice and there was a direction to the 1st respondent therein to consider the said reply and pass orders in accordance with law. According to the petitioner, he submitted reply by way of representations, but the same was not considered. It is the case of the



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petitioner that even though permanent injunction was granted in his favour, the respondent ought not to proceed further for conducting auction. Under such circumstances, aggrieved by the order dated 09.12.2021, the petitioner and 8 others have preferred an appeal before this Court in W.A. No.100 of 2022.

c) It is further stated that in the year 2023, the respondent issued Notification No.1 to 60, dated 01.12.2023 and aggrieved over the same, the elder brother of the petitioner filed another writ petition viz., W.P. No.35911 of 2023, but the cause of action does not survive and recording the memo filed by the respondent Housing Board, this Court, vide order dated 22.12.2023, dismissed the said writ petition as the prayer sought therein become infructuous.

d) Pursuant to filing of the aforesaid Writ Appeal, the Division Bench of this Court, vide order dated 01.09.2025 in W.A. No.100 of 2022, dismissed the said appeal, by recording the statement made by the respondent Housing Board that the appellant therein was evicted from the disputed premises on 13.05.2022 itself.

e) When that being the position, now the respondent Housing Board has issued a Notification No.1 to 70/2025-26, dated 29.09.2025, wherein applications are invited for conducting E-tendering and E-Auction for the proposal to sell 65 Nos. of Commercial Sites and 5 Nos. of Residential Plots. It is the case of the petitioner that in the said Notification dated 29.09.2025, in



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which Sl. No.63 mentioned therein, claims to be property of the petitioner. In such circumstances, aggrieved by the Notification dated 29.09.2025 issued by the respondent, this writ petition has been filed.

4. Learned counsel for the petitioner submitted that without complying the directions issued by this Court on 09.12.2021 in W.P. No.10730 of 2019, the respondent issued the Notification dated 29.09.2025, which is impugned herein. He further submitted that even though three representations were submitted by the petitioner, that too declaration decree held in favour of the petitioner, without considering the above aspects, the respondent dispossessed the petitioner from the subject property. He fairly submitted that the Writ Appeal viz., W.A. No.100 of 2022 was not dismissed on merits. In view of the above, the present Notification dated 29.09.2025 issued by the respondent is illegal and void. Therefore, he prays for allowing of this writ petition by quashing the said Notification dated 29.09.2025.

5. Learned counsel for the respondent submitted that as against the earlier order issued in W.P. No.10730 of 2019, the petitioner preferred an appeal viz., W.A. No.100 of 2022. Subsequently, during the pendency of the said appeal, another show-cause notice was issued on 04.03.2022 and therefore sufficient opportunity was granted to the petitioner. Thereafter, the said writ appeal was dismissed by the Hon'ble Division Bench of this Court, vide order dated 01.09.2025, holding that the appellant therein had been



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evicted from the subject premises. He further submitted that the petitioner having already been evicted from the disputed property, has deliberately suppressed the said fact and filed this writ petition, which is unsustainable and therefore, the writ petition is not maintainable. Further, challenging the auction notice, without any possession is non-est in law and he prays for dismissal of this writ petition.

6. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent Housing Board and perused the materials placed on record.

7. Pursuant to directions issued by this Court on 09.12.2021 in W.P. No.10730 of 2019, it is seen that the petitioner has submitted representations / reply to the show cause notice to the respondent. Even though it is submitted that the said representations were not considered by the respondents, it is to be noted that the petitioner preferred an appeal viz., W.A. No.100 of 2022, aggrieved by the order dated 09.12.2021 in W.P. No.10730 of 2019. Subsequently, the said writ appeal was dismissed by the Hon'ble Division Bench of this Court on 01.09.2025 in W.A. No.100 of 2022, dismissed the said appeal for the reason that the possession of the subject property has already been taken over by the Housing Board. Though it is claimed by the petitioner that the writ appeal came to be dismissed only on the ground that the petitioner had already been dispossessed of the subject property, the prayer sought in this



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writ petition cannot be granted as it is settled position that once possession has been taken in accordance with law, he cannot claim any subsisting right over the property, nor question the auction notice, which is impugned herein.

8. For the reasons aforesaid, this Court is of the considered view that interference in the Notification dated 29.09.2025 issued by the respondent, is unwarranted at this stage. Accordingly, this writ petition is dismissed as devoid of merits. However, liberty is granted to the petitioner to work out his remedy in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

29.10.2025

Note : Issue order copy on 03.11.2025

Index : Yes / No

Internet: Yes/No

Speaking Order/Non-Speaking Order

vsi2

M.DHANDAPANI, J.

vsi2

To
The Executive Engineer cum
Administrative Officer,
Vellore Housing Scheme,
Tamil Nadu Housing Board,
Sathuvachari Part – 1,



Vellore – 632 009,
Vellore District.

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