

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 15.04.2015

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No.10840 of 2015 &
M.P.No.1 of 2015

Sakuntala

... Petitioner

vs.

1. The Government of Tamil Nadu
Rep by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George
Secretariat, Chennai-9
2. The Managing Director,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai
Chepauk, Chennai- 5
3. The District Collector,
Chennai District,
Rajaji Salai, Chennai
4. The Special Deputy Collector
L.A.Works,
Madras City Madras 1
5. V.R.Venkatachalam

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to regularize the scheme in pursuance to the notification dated 19.9.1978 and allot the house site and execute the sale deed in favour of the petitioner possession bearing Door No.64 A, Rajupillai Thottam, Mambalam High Road, T.Nagar, Chennai-17 as per the Slum Clearance Act.

For Petitioner : Mr.R.Margabandhu
For Respondents : Mrs.P.Rajalakshmi,
Govt. Advocate - for R1, R3 & R4
Mr.B.Kesalavu - for R2

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that her father-in-law, viz., Manickam, purchased a land at S.No.64, Rajupillai Thottam, T.Nagar, Mambalam/Guindy Taluk, Chennai-17 from one Subburaya Naicker and Ekambara Naicker vide document dated 19.03.1968 and her father-in-law was in possession of the same since 1968 onwards. In the year 1975, the said area was declared as Slum Area in Division No.105. The petitioner would further state that after the demise of her father-in-law, she continues to be in possession of the property and also put up superstructure in S.No.64 to an extent of 700 sq.ft. and living with her family for more than 50 years without any interruption. In pursuance to the notification dated 19.9.1978, third parties are attempting to interfere with the possession of the petitioner. In this regard, she has submitted a representation dated 30.3.2015 to the respondents and since she has not been favoured with any response, came forward to file the present writ petition.

3. Heard the submissions of Mr.R.Margabandhu, learned counsel appearing for the petitioner and Mrs.P.Rajalakshmi, learned Government Advocate, who accepts notice for the respondents 1, 3 and 4 and Mr.B.Kesalavu, learned counsel, who accepts notice for the 2nd respondent.

4. Though the prayer in the writ petition is for the larger relief, the learned counsel for the petitioner confined his argument to the limited extent directing the second respondent to pass orders on the representation of the petitioner dated 30.3.2015, within a stipulated time.

5. In view of the said submission made by the learned counsel appearing for the petitioner, the learned counsel appearing for the second respondent submitted that the petitioner may be directed to submit a fresh representation to the second respondent in this regard and on receipt of the same, the second respondent may be directed to consider the same, within a stipulated time.

6. Considering the submissions made by the learned counsel on either side, without going into the merits of the case, the

petitioner is directed to submit a a fresh representation to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the same after putting notice to the 5th respondent/concerned persons, and pass orders on merits and in accordance with law, as expeditiously as possible and not later than twelve weeks from the date of receipt of a copy of the representation received from the petitioner and communicate the decision to the petitioner as well as the 5th respondent/concerned persons.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Government of Tamil Nadu
Rep by its Secretary to Government,
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Tamil Nadu Slum Clearance Board,
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3. The District Collector,
Chennai District,
Rajaji Salai, Chennai
4. The Special Deputy Collector
L.A.Works,
Madras City Madras 1

+1cc to Mr.R.Margabandhu, Advocate, S.R.No.20604
+1cc to Mr.B.Kesavan, Advocate, S.R.No.20664
+1cc to the Government Pleader, S.R.No.20684

TM(CO)
CA(24/04/2015)

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