

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.13077 of 2015

V.Loganayaki

...Petitioner

-Vs-

1. The Chairman,  
Tamil Nadu Slum Clearance Board,  
Kamarajar Salai, Chennai - 5.
2. The Executive Officer,  
Tamil Nadu Slum Clearance Board,  
Sivalingapuram, K.K.Nagar,  
Chennai - 78.
3. M.Krishnan

...Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus directing the first and second respondents to measure the plot bearing Nos.76 and 75, Venkatapuram Taluk Office Road, Saidapet, Chennai - 15 belongs to the petitioner and the third respondent respectively with the help of the surveyor and by fixing the boundaries as well as to deliver the vacant land in respect of the Plot No.76 to the petitioner.

For Petitioner : Mr.S.Angamuthu

For Respondents : Mr.B.Kesavalu for R1 & R2

ORDER

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

2.The petitioner claims that her husband was allotted a house site bearing No.76, Door No.72, Venkatapuram, Saidapet, Chennai, vide proceedings dated 31.08.1983. After his demise, she made an

application on 25.03.1991 to the first respondent to change the name in her favour and it was also changed vide proceedings dated 04.04.1991 and according to the petitioner, she is in uninterrupted possession and enjoyment of the suit property and the petitioner would further state that the third respondent filed a suit in O.S.No.1496 of 1986 on the file of the learned VII Assistant City Civil Judge, Chennai as if he is the owner of the property and he also filed another suit in O.S.No.3996 of 1991 for the relief of bare injunction restraining the Electricity Board from providing electricity connection. Both suits were decreed on 25.10.1999 and on appeals in A.S.Nos.98 and 107 of 2000, the Court of III Additional City Civil Judge set aside the judgment and decree passed by the trial court and allowed the appeals. According to the petitioner, the decision in the above said appeals, became final. The petitioner submitted a representation dated 23.07.2003 for remeasuring the plot and also removal of encroachment based on the findings rendered by the trial Court. In this regard, she submitted number of representations and the last of such representation was made on 11.11.2014. Since she has not been favoured with any response, she came forward to file this writ petition.

3.Heard the submissions of Mr.S.Angamuthu, learned counsel appearing for the petitioner and Mr.B.Kesavalu, learned counsel, who accepts notice for respondents 1 and 2.

4.This Court, without going into the merits of the representations submitted by the petitioner, directs the second respondent to consider and dispose of the petitioner's representation dated 11.11.2014 in accordance with law, after putting on notice the third respondent and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner as well as the third respondent. The writ petition is disposed of accordingly. No costs.

Sd/-  
Deputy Registrar (J)

//True Copy//

Sub Assistant Registrar

mmi

To

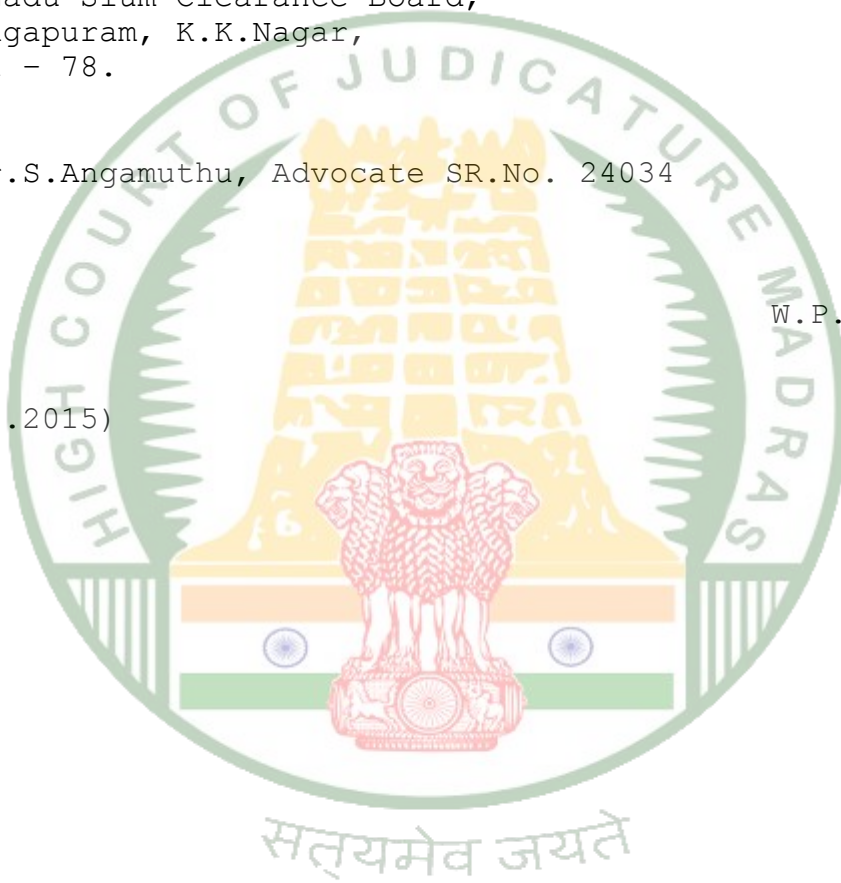
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2. The Executive Officer,  
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1 CC to Mr.S.Angamuthu, Advocate SR.No. 24034

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PUR (CO)  
PSI (21.05.2015)



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