

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. Nos.23345 of 2014 & 9805 of 2015

C.Sridharan

...Petition (W.P.No.23345/2014)

vs.

1. The State of Tamil Nadu,
rep. By its Secretary to the Government,
Revenue Department,
Fort St. George,
Chennai 600 009.
2. The Chairman,
Tamilnadu Slum Clearance Board,
Kamarajar Salai,
Chennai 600 005.
3. The District Collector,
Kancheepuram District,
Kancheepuram.
4. The Sub Collector/
Revenue Divisional Officer,
Tambaram Division,
Chennai 600 045.
5. The Tahsildar,
Tambaram Taluk,
Chennai 600 045.
6. The Junior Engineer,
Tamil Nadu Slum Clearance Board,
T. Nagar,
Chennai 600 017.

...Respondents (In WP No.23345/2014)

1. C. Sridharan
2. Rajeswari
3. M. Sumathi
4. S. Isakimuthu
5. V. Gabriel
6. C. Radha
7. M. Anand
8. R. Lakshmi
9. M. Chandrasekar
10. R. Sarvanan
11. J.R.D. Aruldoss
12. E. Shaji
13. S. Sunil
14. A. Balasubramanian
15. P. Bril Bobby
16. R. Maharaja
17. Pechithangam
18. Muhaideen Fathima
19. K. Sarojini
20. K. Yuvaraj
21. K. V. Raju
22. R. Shanmuga Anandhi
23. M. Ashok
24. Pyula
25. M. Vincent

...Petitioners (In WP No.9805/2015)

Vs.

1. The State of Tamil Nadu,
rep. By its Secretary to the Government,
Revenue Department,
Fort St. George,
Chennai 600 009.
2. The Chairman,
Tamilnadu Slum Clearance Board,
Kamarajar Salai,
Chennai 600 005.
3. The District Collector,
Kancheepuram District,
Kancheepuram.

4. The Asst. Engineer,
Sub Division I, Division-VI,
Tamil Nadu Slum Clearance Board,
Chennai 600 017.

...Respondents (In WP No.9805/2015)

Writ Petition in WP No.23345 of 2014 filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 3 to 5 to issue patta records to the petitioner in respect of his occupied lands of 3 cents comprised in S.Nos. 403/2 and 403/3 Annai Anjugam Nagar, Old Perungalathur, Chennai-63 based on the various representation of the petitioner made to the revenue officials concerned.

Writ Petition in WP No. 9805 of 2015 filed under Article 226 of the Constitution of India seeking a writ of Certiorari Mandamus to call for the records pertains to the impugned proceedings issued under FORM A and B of Tamil Nadu Slum Areas (Improvement and Clearance) Act and Rules 1971 dated 28.2.2015 and 17.3.2015 respectively by the 4th respondent in respect of houses constructed by the petitioners in the land comprised in S.No.403/3 at Annai Anjugam Nagar Extension, Old Perungalathur, Chennai-600 063, quash the same and further direct the respondents not to disturb the peaceful enjoyment of the petitioners in the residential buildings constructed in the land comprised in S.No.403/3 at Annai Anjugam Nagar Extension, Old Perungalathur, Chennai-600 063.

For petitioner/s
in both W.Ps.

: Mr. R.. Murali

For respondents
in WPNo.23345/2014

: Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1&R3 to R5
Mr. M. Perumal - R2 & R6

For Respondents
in WP No.9805/2015

: Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1&R3
Mr. M. Perumal - R2 & R4

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COMMON ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The writ petition in WP No. 23345 of 2014 is filed seeking a direction to the respondents 3 to 5 to issue patta to the petitioner in respect of his occupied lands of 3 cents comprised in S.Nos. 403/2 and 403/3 Annai Anjugam Nagar, Old Perungalathur, Chennai-63.

2. Being aggrieved by a notice dated 28.2.2015 issued under Rules 4 and 5 of Tamil Nadu Slum Area (Improvements and Clearance) Rule 1971, asking the petitioners to vacate the premises in question wherein, they are stated to have been in lawful occupation on the basis of several documents acquired by them, the petitioners have come up with the writ petition being WP No. 9805 of 2015.

3. According to the learned counsel for the petitioners, the notices were addressed to one C. Sridharan and pasted on the door of each and every resident without identifying the name of the occupants knowing fully well, who were the persons in occupation of the said premises. The petitioners were not afforded an opportunity of hearing to put forward their cases in respect of their lawful and peaceful possession and occupation of the premises in question.

4. Learned counsel appearing for the Slum Clearance Board submits that the respondents have attempted to verify the identification of the occupants before issuance of notices. However, they failed and as such, the notices were issued in the name of the earlier occupant of the properties in question. It appears that the properties were thereafter let out to the present occupants. Now, the respondents are aware of their identification and as such, the Slum Clearance Board be permitted to issue a fresh notice affording opportunity of hearing to all the occupants of the premises in question as they are in unauthorised occupation of the same and take consequential action in accordance with law and on merits.

5. In view of the foregoing, we are not inclined to express any opinion on the merits of the case. The impugned notices dated 28.02.2015 and 17.03.2015 are set aside and the writ petition No. 9805 of 2015 is allowed.

6. In view of the order passed in WP No. 9805 of 2015, other writ petition No. 23345 of 2015 is disposed of granting liberty to the Tamil Nadu Slum Clearance Board to issue fresh notice to the persons concerned and take consequential action in accordance with law and on its own merits.

7. Connected miscellaneous petitions in both the cases are closed. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The State of Tamil Nadu,
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Revenue Department,
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Chennai 600 009.
2. The Chairman,
Tamilnadu Slum Clearance Board,
Kamarajar Salai,
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3. The District Collector,
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4. The Asst. Engineer,
Sub Division I, Division-VI,
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5. The Sub Collector/
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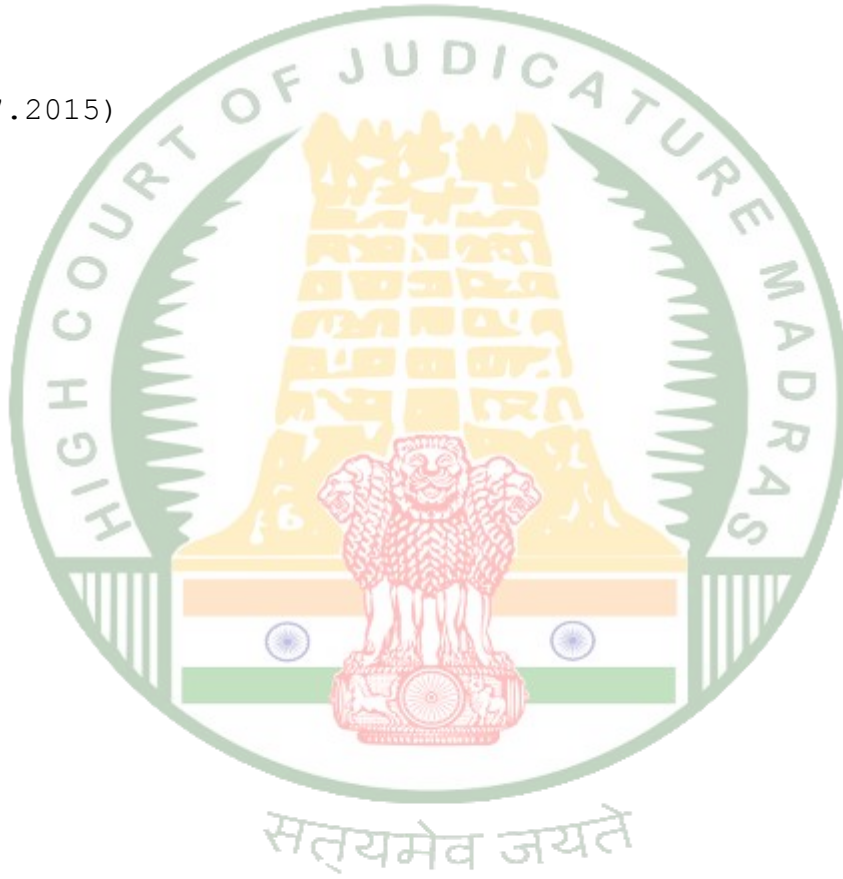
7. The Junior Engineer,
Tamil Nadu Slum Clearance Board,
T. Nagar, Chennai 600 017.

2 CCs to Mr.R.Murali, Advocate SR.No. 36989

2 CCs to the Government Pleader, SR.No. 36877 & 36878

W.P. Nos. 23345 of 2014
& 9805 of 2015

GJ (CO)
PSI (31.07.2015)



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