

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.2244 of 2015

Ezhil Nagar Welfare Association
rep.by its President
No.2/202, Manali Salai
Ezhil Nagar, "A" Block
Chennai 600 118.

.. Petitioner

vs.

1. The President
Tamil Nadu Slum Clearance
Board, No.5, Kamarajar Salai
Chennai 600 005.
2. The Managing Director
Tamil Nadu Slum Clearance Board
Secretariat
Chennai 600 009.
3. The District Collector
Chennai District
Rajaji Salai
Chennai 600 001.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents 1 and 2 to consider and pass orders on the petitioner's representation dated 12.12.2014 made to allot/grant lease cum sale agreements to the members of the petitioner-Association in respect of land in Survey Nos.3850 and 3860, Tondiarpet Village, Ezhil Nagar, Chennai 600 118 within a time frame to be fixed by this Court.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.M.L.Mahendran
Government Advocate
for R3
No appearance for RR1 and 2

ORDER

Heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.M.L.Mahendran, learned Government Advocate appearing on behalf of the third respondent.

2. The petitioner-Association has filed this writ petition praying for a direction to the respondents 1 and 2 to consider and pass orders on their representation dated 12.12.2014 for allotment/grant of lease cum sale agreements to the members of the petitioner-Association in respect of land in Survey Nos.3850 and 3860, Tondiarpet Village, Ezhil Nagar, Chennai 600 118 within a stipulated time.

3. The case of the petitioner-Association is as follows:

According to the petitioner, the members of their Association occupied the land in question during the year 1970 and are residing there by putting up huts. They are also paying the FCR charges regularly. It is their further case that during heavy flood in the year 1985, many of their huts were damaged and therefore, they made a representation to the respondents 1 and 2 to allot/grant lease cum sale agreement. However, no action was taken by the Slum Clearance Board. Hence, they filed a writ petition, wherein the Slum Clearance Board had stated before this Court that they could not perform any development project in the above land and therefore, decided to handover the same to the Government. Recording the said statement, this Court dismissed the said writ petition. However, granted liberty to the petitioner-Association to approach the third respondent for grant of patta in their names. The petitioner-Association once again approached this Court for grant of No Objection Certificate for obtaining electricity connection to their houses and this Court directed the Tahsildar, Fort-Tondiarpet Taluk to grant No Objection Certificate. Pursuant to the same, the Tahsildar issued a proceeding dated 07.02.2012 stating that since the lands were handed over to respondents 1 and 2, after obtaining necessary orders from them, the same will be granted to the petitioners. However, till date no action has been taken. Since the lands in question are vested with the Tamil Nadu Slum Clearance Board, the petitioner-Association were advised to approach them directly. Hence, once again they made a representation on 12.12.2014 requesting the respondents 1 and 2 to allot the members of the petitioner-Association, the above lands by making necessary improvement. Since the same was not considered till date, the petitioner is before this Court.

4. In the light of the above said facts and taking into account the earlier orders passed by this Court, there will be a direction to

the second respondent to consider the representation dated 12.12.2014 submitted by the petitioner's Association and pass appropriate orders on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. It is open to the second respondent to call for further details, if any, from the petitioner-Association, verify its credentials and thereafter, pass orders.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vj2
To

1. The President
Tamil Nadu Slum Clearance
Board, No.5, Kamarajar Salai
Chennai 600 005.
2. The Managing Director
Tamil Nadu Slum Clearance Board
Secretariat
Chennai 600 009.
3. The District Collector
Chennai District
Rajaji Salai
Chennai 600 001.

1 cc to Government Pleader, Sr.No12175

1 cc to Mr. L.Chandrakumar, Advocate, SR.No.12120

WP.No.2244 of 2015

ca(co)
pmk.20.3.2015

WEB COPY