

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-7-2015

CORAM:

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

W.P. No.22662 of 2015  
M.P.Nos.1, 2 & 3 of 2015

S. Srinivasan

.. Petitioner

Vs.

1. The Chairman and Managing Director,  
Tamil Nadu Slum Clearance Board,  
Kamarajar Salai,  
Chennai - 600 009.
2. The Executive Engineer,  
Public Works Department (WRO),  
Krishna Water Supply Scheme, Division-I,  
Chennai Region, Chepauk,  
Chennai - 600 005.
3. The Tahsildar,  
Mylapore-Triplicane Taluk,  
Chennai - 600 028.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorarified Mandamus calling for records relating to the impugned proceedings dated 30.1.2014 passed by the first respondent vide Proceedings No.Rc.No.G6.11928/2008 dated 30.1.2014 and quash the same and consequently forbearing the respondents, their men agents or subordinates from in any manner evicting or taking steps to evict or disturbing the petitioner house on the southern side of the Elango Street, Govindasamy Nagar, Raja Annamalaipuram, Chennai-600 028.

For Petitioner : Mr.S.Silambannan  
for Mr.A.Srinivasan

For 1st Respondent : Mr.B.Kesavan

For Respondents 2 & 3 : Mr.P.S.Sivashanmugasundaram,  
Special Government Pleader

O R D E R

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

Heard the learned counsels appearing for the petitioner, first respondent and the learned Special Government Pleader for respondents 2 and 3. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal at the admission stage itself.

2. Petitioner stated to be residing at No.15, Elango Street, Govindasamy Nagar, Raja Annamalaipuram, Chennai, submits that he has been in continuous possession of the area in question for the past more than 60 years. According to the petitioner, the impugned order is passed without affording opportunity to the petitioner, and sought to allot a place somewhere outside, away from the place where he is now living. The learned Senior Counsel appearing for the petitioner submits that the petitioner may be permitted to make a representation to the order and the authorities may be directed to consider the same and take a fresh decision in the facts of the case.

3. In view of the said submission, without expressing any opinion on the dispute, we reserve liberty to the petitioner to make a representation to the impugned order and thereafter the authorities are directed to take fresh decision on the facts and pass consequential order, if necessary.

4. The writ petition stands disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1. The Chairman and Managing Director, Tamil Nadu Slum Clearance Board, Kamarajar Salai, Chennai - 600 009.
2. The Executive Engineer, Public Works Department (WRO), Krishna Water Supply Scheme, Division-I, Chennai Region, Chepauk, Chennai - 600 005.
3. The Tahsildar, Mylapore-Triplicane Taluk, Chennai - 600 028.

1 cc to Mr.B.Kesavan , Advocate Sr.No.38629  
1 cc to Mr. A.Srinivasan, Advocate Sr.No.38985  
1 cc to Government Pleader.Sr.No.38619

W.P. No.22662 of 2015

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