

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8888 of 2015

G.Maragatham

... Petitioner

vs.

1. The Estate Officer - III
Tamilnadu Slum Clearance Board,
Vysarpadi,
Chennai 600 039

2. The Chairman,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai 600 005

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 2nd respondent to consider the petitioner representation dated 26.07.2013 followed by legal notice dated 03.09.2013.

For Petitioner : Mr.T.S.N.Prabhakaran

For Respondents: Mr. Kesavan
Standing Counsel

O R D E R

Heard Mr.T.S.N.Prabhakaran, learned counsel for the petitioner and Mr.Kesavan, learned Standing Counsel appearing for the respondents. With the consent of either side, Writ Petition itself is taken up for final disposal at the admission stage.

2. The petitioner seeks for issuance of a Writ of Mandamus to direct the the 2nd respondent to consider her representation dated 26.07.2013 followed by legal notice dated 03.09.2013.

3. The petitioner state that she is residing at No.869, 9th Street, 7th cross, S.A.Colony, Vysarpadi, Chennai 600 039, having purchased the said property from one Mrs.Prema, W/o.Late Sambadam by a registered sale deed, vide Document No.2777/2011, on the file of Sub Registrar Office, Purasaiwalkam, Chennai 600 007. The petitioner

after purchase of the land is said to have put up construction in the property and is residing in the said property. The petitioner would state that after putting construction, she came to know that small discrepancy in the land area and this discrepancy is not only for the petitioner but for other land owners also. According to the petitioner this happened on account of inadvertent mistake and therefore they wanted to rectify the mistake through LCC agreement, for which the respondents are said to have collected Rs.89/- from all the persons. However till date the LCC agreement has not been executed and the Corporation has not been effected and the petitioner states that she has been driven from pillar to post and she has gone to the office of the respondent about 30-40 times and till date, no action has been taken. Further, the petitioner would submit that she cannot approach the Civil Court in view of the statutory bar contained Under Section 65 of the Tamil Nadu Slum Clearance (Improvement and Clearance) Act 1972.

4. In the light of the above, without going into the merits of the petitioner's claim, there shall be a direction to the first respondent to consider the petitioner's representation dated 26.07.2013 and pass orders on merits and in accordance with law, after issuing notice to the petitioner and if there are similarly placed persons, those persons shall also be heard in the matter by issuing separate notices for all those persons. The above direction shall be complied with by the first respondent within a period of three months from the date of receipt of copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn/pri

To

1.The Estate Officer - III

Tamilnadu Slum Clearance Board,
Vysarpadi, Chennai 600 039

2. The Chairman,

Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai, Chennai 600 005

+ 1 cc to Mr.T.s.N.Prabhakaran, Advocate Sr.17534

VSN(CO)

EU 08.04.2015

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