

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.1057 of 2016

R.Amsavalli

... Petitioner

Vs.

The Tamil Nadu Slum Clearance Board,
Rep. by its Chairman
No.5, Kamarajar Salai,
Chepauk, Chennai-5.

2.The Tamil Nadu Slum Clearance Board,
Rep. by its Managing Director
No.5, Kamarajar Salai,
Chepauk, Chennai-5.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to dispose of the petitioner's representation dated 21.12.2015 within time frame to be fixed by this Court.

For Petitioner : Mr.K.Udayakumar

For respondents : Mr.S.Prabhu.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with the present Writ Petition seeking for issuance of Mandamus to direct the respondents to dispose the petitioner representation dated 21.12.2015.

3.The petitioner is residing at Vijayaraghavapuram for several years and does not possess any property. The petitioner approached the respondents to allot a plot in her favour and for which the respondents orally informed to identify the plot, then only allotment can be processed. The petitioner identified the plot bearing No.9, Old Door No.7, New Door No.5 at Saligramam Village, New Vijayaraghavapuram, Kandappar Street in S.No.209

part belongs to Tamil Nadu Slum Clearance Board. Earlier the said plot No.9 was allotted to one Shrimathi Indira vide Allotment No.583/87/6, dated 01.12.1987, the said allotment is only lease cum sale agreement. Subsequently, the said Shrimathi Indira left the place and not residing in the said plot and no sale deed was executed in her favour.

4. Thereafter, the petitioner made several representations to the Slum Clearance Board for allotment of the said plot according to the payment conditions stated therein. Whiles, some third parties came and informed the petitioner to vacate the premises stating that they are going to construct shopping complex. The petitioner made representation to the respondents to look into the matter, but no action was initiated. Subsequently, the petitioner found out that the said plot was sold to one Kavitha Manaz and subsequently to one Sambandam. The petitioner submits that manipulation was done in respect of the plot, the registrar without verification, registered the building alone, without mentioning the land. Hence, the petitioner made representation dated 21.12.2015, but the respondents failed to consider the same, hence, the petitioner filed the present writ petition.

5. Heard the submissions of learned counsel appearing for the petitioner and the learned standing counsel who accepts notice on behalf of the respondents.

6. Considering the facts and circumstances and without going into the merits of the claim of the petitioner, this Court directs the petitioner to submit fresh detailed representation alongwith the copy of this order before the second respondent, within two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to consider the representation of the petitioner, on merits and in accordance with law, within a period of eight weeks, thereon, after affording opportunity of personal hearing to the petitioner as well as to other necessary parties, if any. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the second respondent to decide the representation purely on merits.

7. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

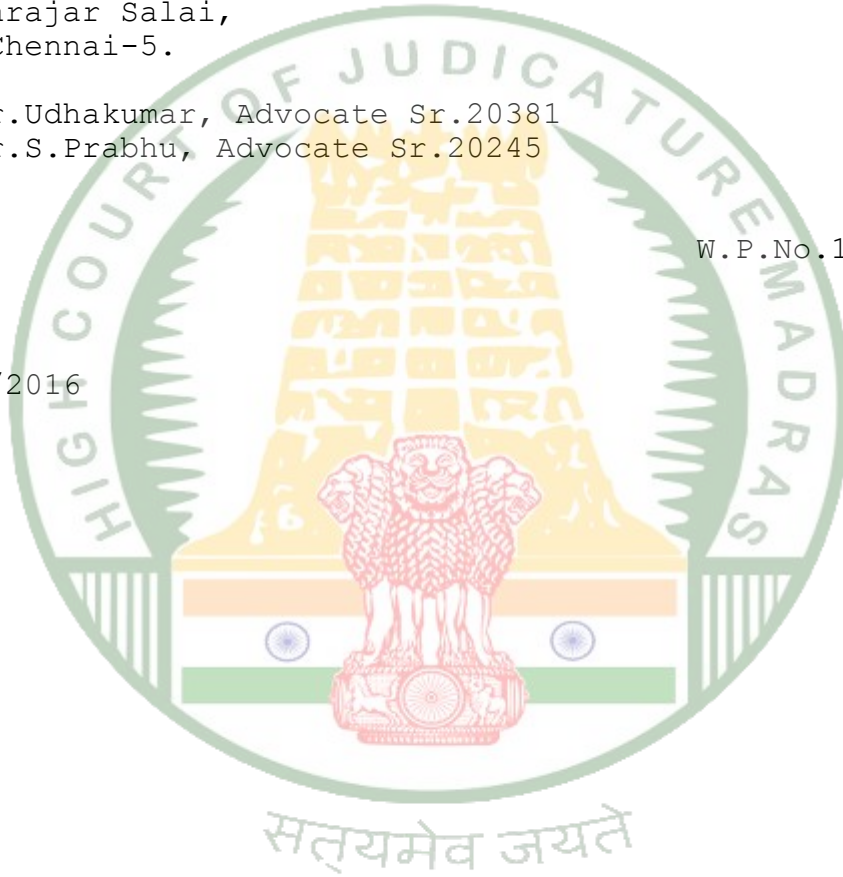
1.The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chepauk, Chennai-5.

2.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chepauk, Chennai-5.

+1cc to Mr.Udhakumar, Advocate Sr.20381
+1cc to Mr.S.Prabhu, Advocate Sr.20245

W.P.No.1057 of 2016

rsi[co]
srg 04/04/2016



WEB COPY