

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.11297 of 2016

Jamal Hussain

.. Petitioner

Vs.

1. The Tamil Nadu Slum Clearance Board,
rep. by its chairman,
Kamaraj Salai, Chennai - 600 005.

2. The Estate Officer,
Estate Officer - III,
Tamil Nadu Slum Clearance Board,
Chennai - 40.

.. Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to issue plot allotment order for the petitioner's house site old Plot No.186, New Plot No.260, No.10/9, 5th street, Mahathma Gandhi Street, Annai Sathya Nagar, Thirumullaivoyal Village on receipt of the necessary fees under the Tamilnadu Urban Development Project.

For Petitioner : Mr.A.Selvendran

For Respondents : Mr.S.Prabu

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 of Mandamus directing the respondents to issue plot allotment order for the petitioner's house site at Old Plot No.186, New Plot No.260, No.10/9, 5th street, Mahathma Gandhi Street, Annai Sathya Nagar in Thirumullaivoyal Village.

3. The petitioner is a slum dweller, residing in Annai Sathya Nagar in Thirumullaivoyal Village. He is poor, downtrodden and economically backward and struggling for the basic needs itself. He is living in the Old Plot No.186, New Plot No.260, No.10/9, 5th street, Mahathma Gandhi Street, Annai Sathya Nagar in Thirumullaivoyal Village. The title for the said lands is now with the first respondent pursuant to the

G.O.Ms.No.370 Revenue (CA 5(2)) Department, dated 09.07.1999. As per the said G.O., land measuring to an extent of 7.69.0 Hectare in the new sub division S.No.866/9 covers three villages, viz, New Anna Nagar, Thanthai Periyar Nagar and Annai Sathya Nagar in Thirumullaivoyal Village. The land delivery receipt was issued in favour of the first respondent. Subsequently, lay out approval was also given in favour of the first respondent.

4. While being so, in the year 1989, notice was issued by the Executive engineer of the first respondent directing the slum dwellers to approach them and pay the initial deposits for issuance of patta. The petitioner has also paid the initial deposits as demanded by the respondents in the fond hope of getting the house site in his name. In spite of several representations and reminders, nothing progressed. In the month of March 2005, notice and pamphlets were issued to the residents regarding obtaining of planning approval and also directing the residents to approach the second respondent for remitting the entire amount. It is further informed that on payment of full amount allotment orders would be issued. Even thereafter, the respondents neither come forward to receive the amount nor give any proper reply. The petitioner was made to run pillar to post for getting the allotment. Hence, he has come forward with the present writ petition.

5. Heard the submissions of learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

6. Considering the facts and circumstances, the petitioner is directed to give a fresh representation along with a copy of this order to the respondents within a period of two weeks, from the date of receipt of a copy of this order, with regard to issuance of allotment order in respect of Old Plot No.186, New Plot No.260, No.10/9, 5th street, Mahatma Gandhi Street, Annai Sathya Nagar in Thirumullaivoyal Village. On receipt of the same, the second respondent is directed to consider the same and pass appropriate order, within a period of eight weeks thereon, after affording opportunity of personal hearing to the petitioner.

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

Sd/-
Asst.Registrar

/true copy/
Sub Asst. Registrar

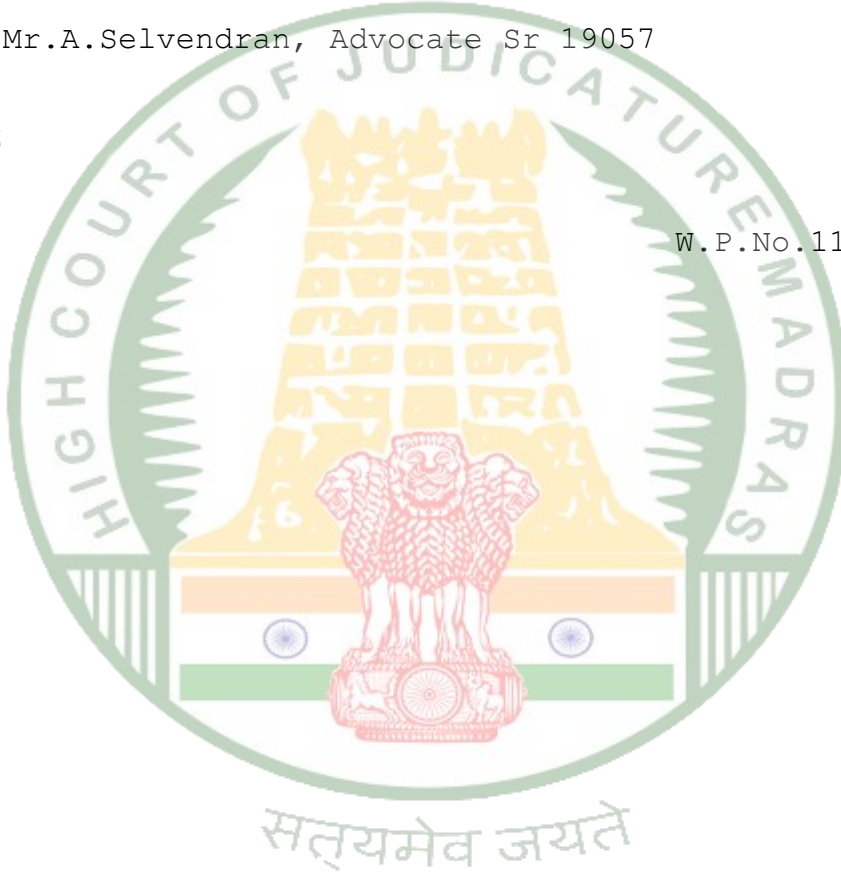
To

1. The Chairman,
The Tamil Nadu Slum Clearance Board,
Kamaraj Salai, Chennai - 600 005.
2. The Estate Officer,
Estate Officer - III,
Tamil Nadu Slum Clearance Board,
Chennai - 40.

+ 1 cc to Mr.A.Selvendran, Advocate Sr 19057

KR/13/4/16

W.P.No.11297 of 2016



WEB COPY