

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.11541 of 2016

P.Pappaiya

..Petitioner

Vs.

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

..Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 12.10.2015 and dispose of the same in accordance with law.

For Petitioner : Mr.K.Sellathurai

For Respondent : Mr.S.Prabu

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondent to consider his representation dated 12.10.2015 and dispose of the same in accordance with law.

3. It is the case of the petitioner that he is a slum dweller and is residing at Door No.114, New No.1032E, Kakkanji Nagar, Villivakkam, Chennai-38 for the past 30 years. The possession and enjoyment of the petitioner has to be regularized as per the scheme framed by the respondent board. The Revenue authorities after due enquiry, issued ration card to the petitioner and voter ID was also issued to him by the concerned authority. Since the petitioner's brother is physically not well and was undergoing treatment, he permitted him to stay in his house. Taking advantage of the same, his brother

manipulated the records as if he was in possession of the said premises. Hence, for the purpose of regularizing his possession, the petitioner sent a representation dated 12.10.2015 to the respondent. But, the respondent failed to consider the same. Hence, left with no other alternative, the petitioner has come up with the present writ petition seeking a direction to the respondent to consider his representation dated 12.10.2015 and dispose of the same in accordance with law.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to give a fresh representation, along with a copy of this order to the respondent, within a period of two weeks from the date of receipt of a copy of this order, and on receipt of the same, the respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of twelve weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the claim made by the petitioner and it is for the respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

sbi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

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

+ 1 cc to Mr.K.Sellathurai, Advocate Sr 19444

+ 1 cc to Mr.S.Prabu, Advocate Sr 20246

KR/6/4/16

W.P.No.11541 of 2016