

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.12479 of 2016

1 Vedamuthu ... Petitioner

Vs.

1 The Chairman /Managing Director
Tamil Nadu Slum Clearance Board
Kamarajar Salai, Chennai-600 005

2 Motchamary Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 1st respondent herein to consider and pass orders on the petitioner's representation dated 28.01.2016.

For Petitioner : Mr.G.Jeremiah

For Respondent-1 : Mr.S.Prabu

O R D E R

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the first respondent to consider and pass orders on the petitioner's representation dated 28.01.2016.

(2.1) The case of the petitioner is that he purchased the property in Plot No.109, Door No.111, Thiruvengatapuram 2nd street, Choolaimedu, Chennai 94 from one Kulandaiammal by a registered sale deed dated 15.6.1992. The said property was allotted in his favour by the first respondent-Tamil Nadu Slum Clearance Board under proceedings dated 14.11.1994 and the petitioner was asked to pay a sum of Rs.2,500/- towards the costs of the land and a sum of Rs.555/- towards instalments. He had been in possession and enjoyment of the property in question.

(2.2) Since the petitioner's father was seriously fell ill, he had to shift him for the purpose of further treatment. In the mean time, the petitioner permitted the second respondent to use the property in question for a short period. Thereafter, the second respondent filed a suit in O.S.No.7850 of 1997 by stating that she had obtained an allotment order in her favour by order

dated 11.7.1995. The petitioner also filed a suit in O.S.No.727 of 1998 for a declaration and mandatory injunction. Both suits were taken up together and a common judgment dated 30.11.2005 was passed by XI Assistant City Civil Judge, Chennai in his favour. Against the judgement and decree, the second respondent filed appeals in A.S.Nos.23 and 24 of 2006 and the same were allowed. Subsequently, the petitioner filed Second Appeal before this Court and the same is pending.

(2.3) Based on the order passed by the first appellate court, the first respondent Board had executed a deed of sale in respect of the property in question on 14.8.2008. According to the petitioner, since the second appeals are pending before this Court against the judgment in A.S.Nos.23 and 24 of 2006 and no finality has been attained in this matter, the petitioner submitted a representation dated 28.1.2016 to the first respondent to reconsider the allotment made in favour of the second respondent. Since no action is taken up, the petitioner has come up with this writ petition with the aforesaid prayer.

(3) Heard the learned counsel for the petitioner and Mr.S.Prabu, learned Standing Counsel appearing on behalf of the first respondent.

(4) In view of the limited scope of the prayer made by the petitioner and considering the submissions made on either side, this Court directs the first respondent to consider the representation of the petitioner dated 28.1.2016 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as the second respondent, within a period of twelve weeks from the date of receipt of a copy of this order. 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 first 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.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

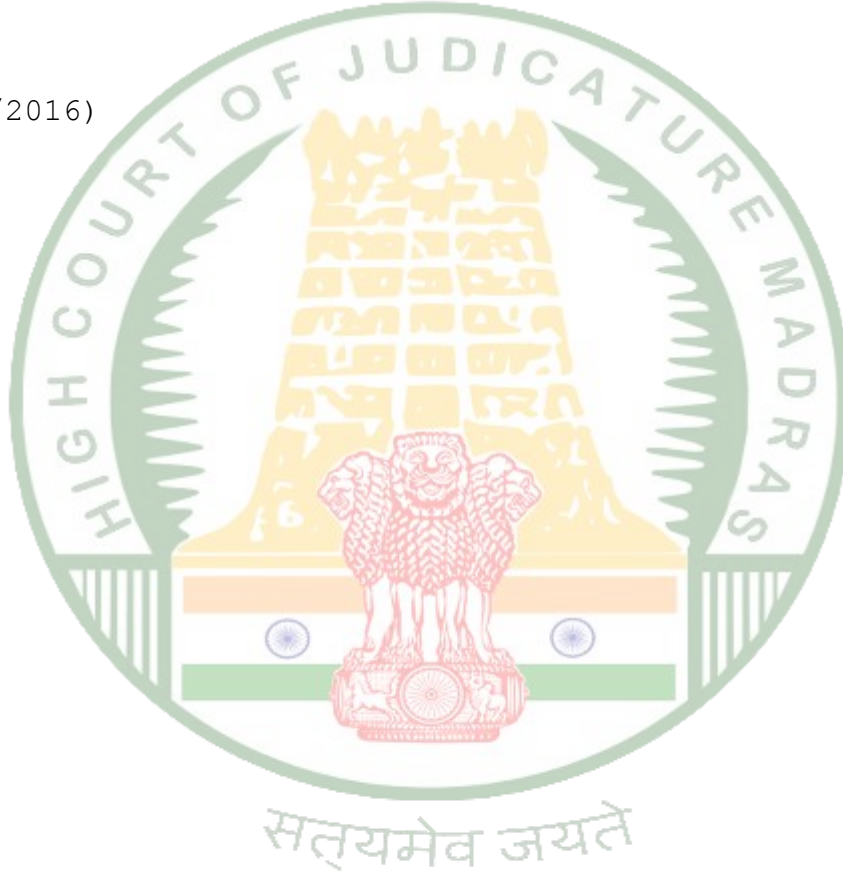
To

1 The Chairman /Managing Director,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai, Chennai-600 005.

+1cc to M/S.S.Prabu, Advocate Sr.21094

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