

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.12481 of 2016
& WMPNo.10798 of 2016

1 The Tamil Nadu Conservancy
Employees Union
(Regd. No. 3276/2008)
Rep. by its President
Mr.Pandala Ravanaiah
No.1451, 33rd Block,
K.P.Park Demellows Road
Chennai-600 012 Petitioner

Vs.

1 The Tamil nadu Slum
Clearance Board Rep. by its
Chairman-Cum-President
No.5, Kamarajar Salai,
Post Box No.157, Chepauk
Chennai-600 005 Respondent

PRAYER : Writ petition filed under Article 226 of the
Constitution of India praying for the issuance of a writ of
mandamus directing the respondent to dispose of the petitioner's
representation dated 16.11.2015 and consequently provide Flats
to the petitioner Union Members within a reasonable time.

For Petitioner : Mr.M.Chidambaram
For Respondent : Mr.S.Prabu

O R D E R

The prayer in the writ petition is to issue a Writ of
Mandamus directing the respondent to dispose of the petitioner's
representation dated 16.11.2015 and consequently provide Flats
to the members of the petitioner Union within a reasonable time.

(2.1)The case of the petitioner is that the petitioner union
is having approximately 2500 members. All of them are working in
Corporation of Chennai. Most of the members of the petitioner
union are not having a own house. The Government issued
G.O.Ms.No.1862, Housing and Urban Development Department dated
26.9.1979 to help the Corporation Sanitary Workers. As per the

said G.O, 25% of tenements constructed by the Tamil Nadu Slum Clearance Board on the Corporation land taken over by it shall be allotted to the Conservancy Workers (Class-IV) of the Corporation of Chennai either on rental or on hire purchase basis in relaxation of income limit of Rs.250/- wherever necessary and that accommodation in this regard shall be provided wherever possible, preferably in the same area where they are attending to Corporation work or in the mini bus scheme areas, where surplus tenements are available and the names of the allottees will be furnished by the Corporation.

(2.2) Even after the said Government Order, the respondent has not provided any house to the Corporation employees. Hence, the petitioner union filed a Writ Petition before this Court in W.P.No.12432 of 1992 against the respondent herein and the Corporation of Chennai, in which by consent of the parties, the following order was passed on 7.4.1995:

"3. The first respondent Tamil Nadu Slum Clearance Board has filed counter affidavit stating that the Tamil Nadu Slum Clearance Board will implement the Government Order in G.O.Ms.No.1862, Housing and Urban Development Department dated 26.9.1979 while allotting the tenements in the Perambur Barracks Road, Slum Clearance Board Scheme and in Baroova Nagar Schemes, Madras 18. In view of the above, the writ petition is allowed. No order as to costs."

(2.3) Even after receipt of the aforesaid order passed by this Court, the members of the petitioner union were not allotted any apartment house. According to the petitioner, as per the said G.O.Ms.No.1862, dated 26.9.1979, the members of the petitioner union is entitled to get 25% of the houses from and out of total constructed houses. Now the respondent has constructed 136 houses at Parthasarathy Nagar, Korukkupet, Chennai-21. The members of the petitioner union are entitled to get 34 houses out of 136 houses, which are newly constructed under the above scheme.

(2.4) In this regard, the petitioner union made a representation to the respondent Board on 16.2.2015. Since no action was taken up, the petitioner union again sent another representation dated 16.11.2015. Even after receipt of the said representation, there is no response on the side of the respondent. Hence, having no other alternative, the petitioner has knocked the door of this Court with the above writ petition.

(3) Heard the learned counsel on either side and perused the materials available on record.

(4) In view of the limited scope of prayer sought for by the petitioner and considering the submissions made on either side, this Court directs the petitioner to give a copy of the representation dated 16.11.2015 to the respondent within a period of two weeks from the date of receipt of a copy of this order, along with a copy of this order and on receipt of the same, the respondent is directed to dispose of the said representation on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner, within a period of twelve weeks thereafter. The writ petition is disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ajr

To

The Chairman-Cum-President
Tamil nadu Slum Clearance Board
No.5, Kamarajar Salai,
Post Box No.157, Chepauk
Chennai-600 005

+ 1 cc to Mr.S. Prabhu, Advocate, S.R.No.21095
+ 1 cc to Mr.M.Chidambaram, Advocate Sr.20874

KJI (CO)
EU(25/04/2016)

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