

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.15418 of 2016

S.Rajalakshmi

.. Petitioner

Vs

1.The Secretary to Government,
Tamilnadu Housing and Urban
Welfare Department,
Secretariat, Chennai-09.

2.The Managing Director,
Tamilnadu Slum Clearance Board,
Chennai-05.

.... Respondents

Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus to consider the petitioner's representation dated 12.4.2016 within the stipulated period by the respondents and consequently direct the 2nd respondent to allot the tsunami house to the petitioner at Notchi Nagar Tsunami Scheme houses at first floor, Door No.3.

For Petitioner : T.V.G. Kartheeban

For Respondent : Mr. V. Jayaprakash Narayanan
Spl.Govt. Pleader R-1.
Mr. B.S. Sundara Moorthi R-2.
Standing Counsel TNSCB

O R D E R

The present Writ Petition has been filed praying for issuance of mandamus upon the respondents to consider and dispose of petitioner's representation dated 12.4.2016 and consequently direct the 2nd respondent to allot the Tsunami house to the petitioner at Notchi Nagar Tsunami Scheme houses at first floor, Door No.3.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for first respondent and Mr. B.S. Sundara Moorthi, learned Standing Counsel appearing for the 2nd respondent.

3. According to the petitioner, the petitioner was affected by tsunami in the year 2004, due to which, she had lost her family members and entire property. Subsequently the petitioner is receiving Tsunami relief things such as rice, kerosene and other articles. Hence she made a representation on 1.8.2012 to the concerned officials and as the said representation was not considered, she filed a writ petition in W.P.No.28190 of 2012 before this Court requesting to dispose of her representation and the said Writ Petition was disposed of on 30.10.2012, by directing the third respondent therein viz., the Managing Director, Tamilnadu Slum Clearance Board to consider the representation of the petitioner and pass orders on merits within a period of eight weeks from the date of receipt of a copy of this order.

4. It is the case of the petitioner that as the 2nd respondent herein has not complied with the order passed by this Court on 30.10.2012, she issued a pre-contempt legal notice dated 4.1.2016 in W.P.No.28190 of 2016 and in pursuance of the same, the Collector, Chennai District, through his letter No.RC.04/16495/2014 dated 24.2.2016 has sent a communication to the petitioner informing that he had sent a report to the Managing Director, Tamilnadu Slum Clearance Board through his letter No.04/16495 dated 18.8.2015 recommending the allotment of Tsunami affected house to the petitioner. Subsequently, she received a reply from the 2nd respondent on 28.3.2016 stating that without proper recommendation of District Collector, Tsunami house could not be allotted to her. Hence, she made a representation to the respondents on 12.4.2016 requesting for allotment of Tsunami house at Notchi Nagar, Tsunami Scheme houses at 1st floor Door No.3 by considering the order passed by this Court in W.P.No.28190 of 2012 dated 28.3.2016 and the recommendation letter given by the District Collector dated 18.8.2015 and also the fact that the petitioner was not allotted with house allotted under Tsunami scheme for the past 12 years. Since no action has been initiated by the respondents on the representation of the petitioner, the petitioner has filed the present writ petition.

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

6. Considering the factual aspects of the matter, without going into the merits of the case, this Writ Petition is disposed of with a direction to the 2nd respondent to consider the petitioner's representation dated 22.2.2016 after giving an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any and dispose of the said

representation on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

msr

s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government,
Tamilnadu Housing and Urban
Welfare Department,
Secretariat,
Chennai-09.

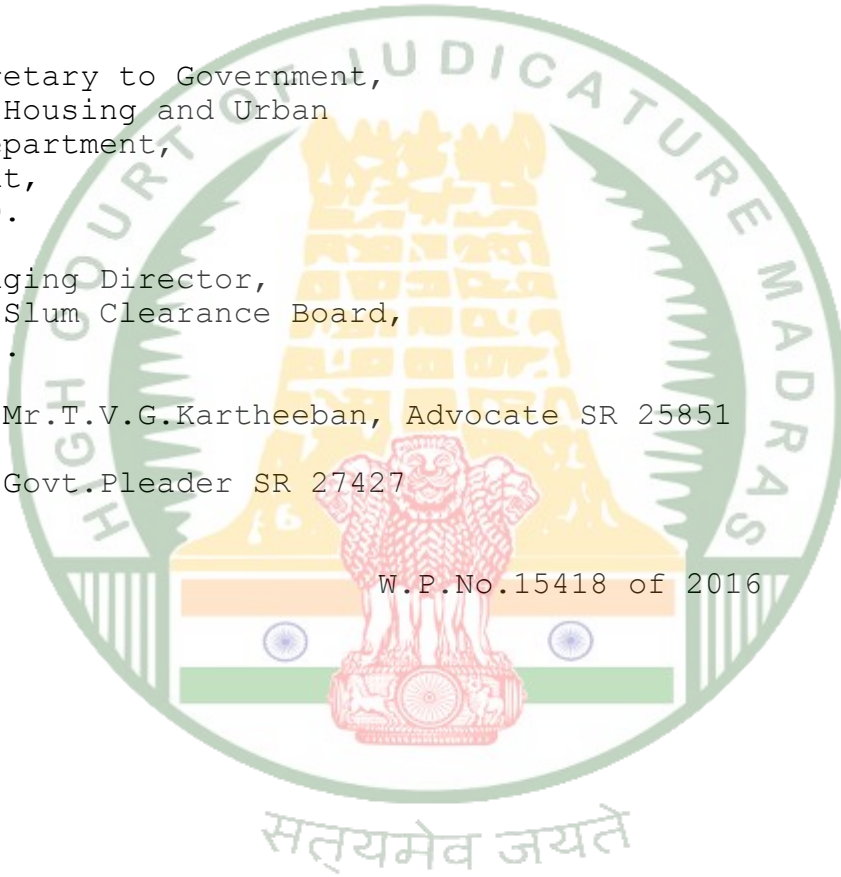
2.The Managing Director,
Tamilnadu Slum Clearance Board,
Chennai-05.

+ 1 cc to Mr.T.V.G.Kartheeban, Advocate SR 25851

+ 1 cc to Govt.Pleader SR 27427

pvs (co)
prk9/6

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