

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2016

CORAM:

THE HON 'BLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.19637 of 2016
and W.M.P.No.16999 of 2016

Balaiah

... Petitioner

Versus

The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai,
Chennai - 600 005

.. Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the respondent to allot one flat in 'Powerkuppam Pagudhi - 1' situated at Kasipuram 'A' Block, Royapuram, Chennai - 600 013, to the petitioner, as per the allotment order issued by the respondent in Na.Ka.No.G2/30201/84.

For Petitioner : Mr. R.Kamaraj

For Respondent : Mrs. D.Latha, Standing Counsel

O R D E R

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

2. The petitioner would state that his father, namely, Chinna Kannu @ Kannu was given allotment of Flat under the Slum Improvement Scheme, vide proceedings of the respondent, during June 1998, subject to certain conditions. The petitioner would further state that father of the petitioner had fulfilled all the conditions and therefore, given possession of Flat No.391 at Kasipuram 'A' Block, Royapuram in 'Powerkuppam Pagudhi-1' and before the actual possession handed over to him, the father of the petitioner was died on 26.07.1994 due to his old age. The petitioner, in this regard, has submitted a representation, dated 07.03.2016 to the respondent praying for allotment of house in his favour, in terms of the allotment order issued to his father and it was received under acknowledgment, on 08.03.2016 and the grievance expressed by the petitioner is that though very many years had lapsed, no orders have been passed. Therefore, he came forward to file this writ petition.

3. This Court heard the submissions made by the learned counsel for both sides.

4. The learned counsel appearing for the petitioner, on instructions, would submit that the other legal heirs have no objection for allotment of the new flat, in favour of the petitioner, and in the event of the enquiry being held, he will produce the necessary documents and prays for speedy disposal and appropriate orders.

5. The learned Standing Counsel appearing for the respondent, on instructions, would submit that admittedly, the petitioner, in his representation, dated 07.03.2016, did not enclose the consent / No Objection Certificate given by the other legal heirs and therefore, seeks time to get instructions.

6. This Court heard the submissions made by the learned counsel for both sides and perused the materials available on record.

7. Though the petitioner has prayed for larger relief, this Court, taking into consideration the facts and circumstances of the case and without going into the merits of the case, directs the respondent to consider the petitioner's application / representation, dated 07.03.2016, on merits and in accordance with law, after putting on notice to the other legal heirs and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the other legal heirs of Late Chinnakannu @ kannu.

8. The writ petition is disposed of, accordingly. No costs. Consequently, the connected WMP is closed.

srk

-s/d-

Assistant Registrar(II)

True Copy

Sub-Assistant Registrar

To
The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai, Chennai - 600 005

+ 1 cc to Mr.R.Kamaraj, Advocate SR 31477

+ 1 cc to M/s.D.Latha, Advocate SR 31355

nm(co)
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