

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2016

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.12119 of 2013

V.S.Raman

.. Petitioner

Vs

1. The Chief Engineer,
Metropolitan Rapid Transport Systems,
(MRTS), Egmore, Chennai 600 008.
2. Southern Railways,
Rep.by its General Manager,
Chennai 600 003.
3. The Chairman,
Tamil Nadu Slum Clearance Board,
Chennai.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, directing the respondents to forthwith start the necessary process and allot an alternative house to the petitioner and his family as has been done in the case of the other persons evicted on 25.03.2000 from Iluppai Thoppu, Canal Bank Road, R.A.Puram, Chennai 600 028.

For Petitioner : Mr.P.K.Rajagopal

For R1 & R2 : Mr.P.T.Ramkumar

For R3 : Mr.R.V.Babu

ORDER

The petitioner was in occupation of a house site in the Railway Poramboke lands that was demolished on 25.03.2000. In view of the same, the petitioner had sought for an alternative house. Since the petitioner's representation dated 28.03.2000 to the first respondent has not been considered, the petitioner has filed a writ petition in W.P.No.249 of 2001 seeking for a direction to the Chief Engineer, MRTS, Egmore, Chennai and the Southern Railway to allot him alternate house in view of his eviction from Iluppai Thoppu, Canal Bank Road, Raja Annamalaipuram, Chennai-28. A Miscellaneous Petition in WPMP.No.371 of 2012 in W.P.No.249 of 2001 was filed to restore the writ petition, which was dismissed for default on 05.02.2002. The said Miscellaneous Petition was dismissed on

23.11.2012 by granting liberty to the petitioner to file appropriate representation before the Revenue Authorities and the Slum Clearance Board for necessary relief. Without making any such representation before the Authorities, the petitioner has filed the present writ petition .

2. It is made clear that from the earlier order, the petitioner was granted liberty to make a representation to the prayer sought for in the present writ petition and without making such representation, the prayer in the present writ petition cannot be maintained.

3. Nevertheless, it would be appropriate if the petitioner is given another opportunity since similar rehabilitation scheme have been extended to identically placed families who were evicted from the encroached sites. Hence, the petitioner is granted liberty to make a representation before the third respondent seeking for allotment of alternative site and on receipt of such representation, the third respondent shall consider the same on its own merits and pass orders in accordance with law as expeditiously as possible.

With the above observation, the writ petition is disposed of. No costs.

s/d-
Assistant Registrar (CS-III)

/true copy/

Sub-Assistant Registrar

To

1. The Chief Engineer,
Metropolitan Rapid Transport Systems,
(MRTS), Egmore, Chennai 600 008.

2. Southern Railways,
Rep.by its General Manager,
Chennai 600 003.

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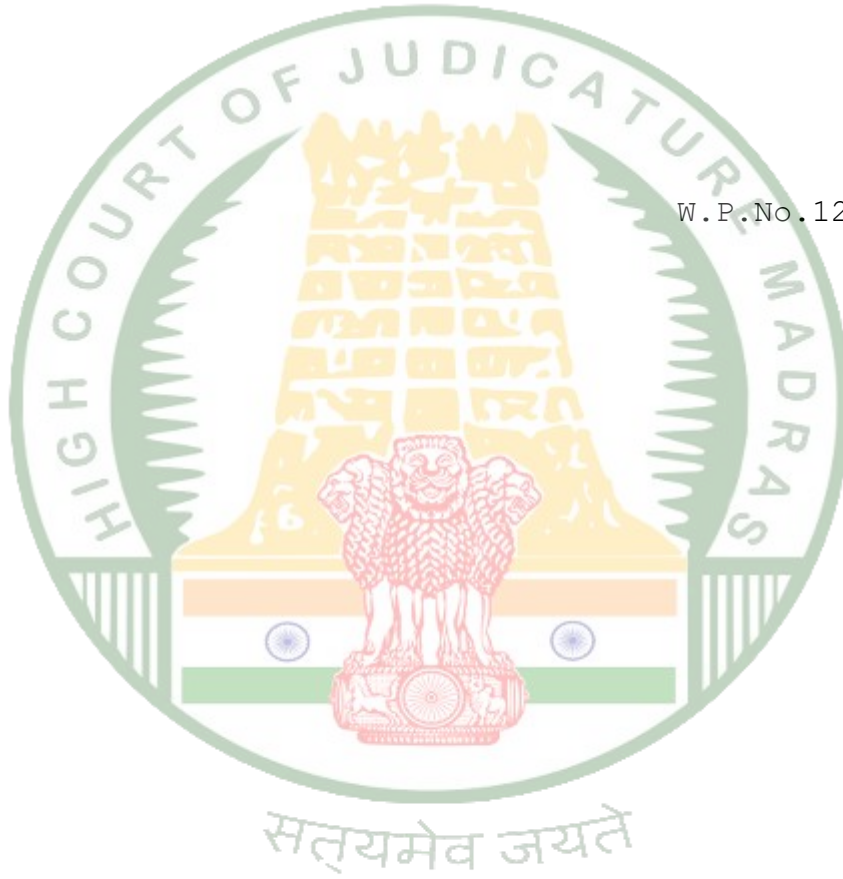
3. The Chairman,
Tamil Nadu Slum Clearance Board,
Chennai.

+1 CC to Mr. P.T. Ramkumar, Advocate vide SR 71116

+1 CC to Mr. P.K. Rajagopal, Advocate vide SR 71362

SSI
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