

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.13978 of 2012

- 1.H.K.Leelabai
- 2.V.Jayaraman
- 3.M.K.Chandrasekaran Nair
- 4.K.Radhakrishnan
- 5.B.Govindarajan
- 6.P.Adhisehan
- 7.P.B.Malkan Ali
- 8.N.Unnikrishnan
- 9.K.Rajendra Prasad
- 10.Elizabeth Mary K.M.
- 11.S.Soundarajan
- 12.T.C.Pramasivam
- 13.Sivakumar
- 14.C.Balakrishnan
- 15.V.Devadasan
- 16.Gunasundari
- 17.Venkatesan
- 18.Kanniammal
- 19.Syed Kabiruddin
- 20.R.Mahalakshmi
- 21.B.Chitra
- 22.B.Subadra

.. Petitioners

सत्यमेव जयते
-vs-

- 1.State of Tamil Nadu,
by its Secretary to Government,
Housing and Urban Development,
Fort St. George,
Chennai-600 009.
- 2.The Tamil Nadu State Housing Board,
rep. by its Chairman and Managing Director,
No.493, Anna Salai,
Nandanam, Chennai-600 035.
- 3.The Tamil Nadu Slum Clearance Board,
rep. by its Assistant Secretary (Plots),

No.5, Kamarajar Salai,
Chennai-600 005.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to consider the representation dated 03.4.2012 of the petitioners and direct the respondents to sell the plots occupied by petitioners in the Model Hutment Road, Masthan Garden at Nandanam, on the same analogy of allotment made to 50 residents vide G.O.Ms.No.252 dated 18.10.2002 of the first respondent.

For Petitioner : Ms.D.Sudha

For Respondents : Mr.R.Vijayakumar
Addl. G.P. for R1
Mr.Anandamoorthy for R2
Mr.S.Prabhu for R3

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The claim of the petitioners is that their representation dated 03.04.2012 seeking direction to the respondents to sell the plots occupied by them in Model Hutment Road, Masthan Garden, Nandanam should be favourably considered on the analogy of the allotment of the similar allotment made to 50 residents vide G.O.Ms.No.252, dated 18.10.2002.

2. In the counter-affidavit of the Tamil Nadu Slum Clearance Board/respondent No.3, it has been explained that houses were built on the land owned by the Tamil Nadu Housing Board/respondent No.2 and allotments were made on rental basis. A decision was taken to build new houses in the land, as the houses were old and dilapidated. As per G.O.Ms.No.252, dated 18.10.2002 of respondent No.1, 50 houses built by the Tamil Nadu Housing Board in Mastan Thottam, CIT Nagar and 14 ground land situated in the place, where row houses are there in Mastan Thottam Scheme Area alone were transferred for sale by collection of amounts by the Tamil Nadu Slum Clearance Board and paid to the Tamil Nadu Housing Board as per the rehabilitation measure of the Tamil Nadu Slum Clearance Board. The land on which the petitioners are located is stated not to have been allotted to the Tamil Nadu Slum Clearance Board and continues with the Tamil Nadu Housing Board/respondent No.2, which does not have any such scheme for transfer of the constructed houses.

3. The learned counsel for respondent No.2, in fact, submits that some of them have even been vacated, while steps have been taken in respect of others.

4. The aforesaid shows that the representation filed by the petitioners had become infructuous, as the same has not been accepted.

5. In view of the aforesaid, the writ petition is dismissed, leaving the parties to bear their own costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To

- 1.The Secretary to Government,
Housing and Urban Development,
Fort St. George,
Chennai-600 009.
- 2.The Chairman and Managing Director,
Tamil Nadu State Housing Board,
No.493, Anna Salai,
Nandanam, Chennai-600 035.
- 3.The Assistant Secretary (Plots),
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai-600 005.

+1cc to Mr.D. Sujatha, Advocate, S.R.No.59718
+1cc to Mr.S. Prabhu, Advocate, S.R.No.59357
+1cc to Mr. V. Anandha Moorthy, Advocate Sr.No.59191

CTR(CO)
md(3/11/2016)

W.P.No.13978 of 2012

WEB COPY