

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.3683/2016 & WMP.Nos.3028 & 3029/2016

Pudhiya MGR Nagar Matrum
Virivu Paguthi Kudisai Vazhvor
Munnetra Sangam, Regn.No.18/91
rep.by its President R.Velu
No.23, 2nd Street, New MGR Nagar
Manali, Chennai 600068.

Petitioner

Versus

- 1.The Managing Director
Tamilnadu Slum Clearance Board
Kamarajar Salai, Chennai 600002.
- 2.The Executive Engineer Division-I
TNSC Board, TP Chathiram,
Chennai 600010.
- 3.The Estate Officer
TNSC Board, Chennai-1.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the records relating to the 1st respondent proceedings No.E1/18693/13 dated 25.09.2015 and quashing the same and consequently directing the respondents to retain the names of the eligible persons as per the eligibility list.

For Petitioners : Mr.R.Damodaran

For Respondents : Mr.R.V.Babu

ORDER

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

2 The petitioner Association claims to represent the welfare and interest of the hutment dwellers of Chennai Petrochemicals Limited [CPCL] Corner, Manali, and when they are sought to be displaced, a decision has been taken to provide them, an alternate sites and accordingly, 252 eligible persons were identified. However, the 1st respondent, vide

proceedings dated 25.09.2015, has stated that the allottees made a representation that despite having paid the initial amount, they have not been given allotment and on that basis, a report was called for, based on which, it was found that 21 persons have been found ineligible and therefore, passed the impugned order, cancelling the allotment granted in favour of 21 persons. Challenging the legality of the said order, the present writ petition is filed.

3 The learned counsel for the petitioner would submit that though the beneficiaries were given allotment, some third persons have encroached the properties in question and prays for appropriate orders.

4 Per contra, Mr.R.V.Babu, learned Standing Counsel for TNSCB, would submit that on field verification, it was found that ineligible persons were given allotment and departmental action has also been initiated against the officials concerned and therefore, prays for dismissal of this writ petition.

5 This Court has carefully considered the rival submissions and also perused the materials placed before it.

6 A perusal of the impugned order of the 1st respondent dated 25.09.2015 would clearly reveal that before cancelling the allotment of 21 persons, they have not been put on notice and on this sole ground, the impugned order warrants interference.

7 The learned counsel for the petitioner would submit that 21 persons mentioned in the impugned order are also the members of the petitioner Association and he undertakes to furnish the correct address of those 21 persons named in the impugned order to the 1st respondent.

8 In the result, the writ petition is partly allowed and the impugned order passed by the 1st respondent in Proc.No.E1/18693/2013 is set aside and the matter is once again remanded to the 1st respondent for fresh adjudication. The petitioner Association is directed to furnish the correct address of the 21 persons named in the impugned order to the 1st respondent within a period of four weeks from the date of receipt of a copy of this order and the 1st respondent, on receipt of the same, is directed to put those 21 persons on notice and shall elicit their response and also afford them an opportunity of personal hearing and pass orders in accordance with law within a further period of eight weeks thereafter and communicate the decision taken to the above cited 21 persons. No costs.

9 It is made clear that till the completion of the said exercise, the 1st respondent shall not disturb the possession

of the said 21 persons. It is further made clear that till the 1st respondent passes the final order, the above said 21 persons shall not create any third party rights in respect of the plots allotted in their favour. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Managing Director
Tamilnadu Slum Clearance Board
Kamarajar Salai, Chennai 600002.

2.The Executive Engineer Division-I
TNSC Board, TP Chathiram,
Chennai 600010.

3.The Estate Officer
TNSC Board, Chennai-1.

1 cc to Mr.R.Dhamodaran, Advocate, sr.38581

1 cc to Mr.R.V.Babu, Advocate, sr.39117

W.P.No.3683/2016

bvr co
kra 27.07.2016

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