

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.4193 of 2016

D.Haseena

... Petitioner

vs.

1.The Secretary to Government,
Tamil Nadu Slum Clearance Board,
Secretariat,
Chennai 09.

2.The Project Manager,
Tsunami Relief & Reforms Scheme,
Ezhilagam, Chepauk,
Chennai-05.

3.The Managing Director,
Tamil Nadu Slum Clearance Board,
Chennai-05.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing to consider the representation of the petitioner dated 27.01.2016 within stipulated period by the respondents and consequently, direct the respondents to fix the monthly rental amount of Rs.1,000/- to 1,500/- for petitioner tsunami small shop No.8, at Ezhil Nagar, Okkium Thuraipakkam, Chennai 97, based on the earlier proceedings in Sa.Ka.No.10310/11-dated, 19.06.2013 and Na.Ka.No.B1/14027/07- dated 24.12.2014.

For Petitioner : Mr.T.V.G.Kartheeban
For R1 & R2 : Mr.S.Navaneetham, AGP
For R3 : Mr.R.V.Babu

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider the representation of the petitioner dated 27.01.2016 within stipulated period and consequently, directing the respondents to fix the monthly rental amount between Rs.1,000/- and 1,500/- for

her tsunami small shop No.8 at Ezhil Nagar, Okkium Thuraipakkam, Chennai 97, based on the earlier proceedings in Sa.Ka.No.10310/11-dated, 19.06.2013 and Na.Ka.No.B1/14027/07-dated 24.12.2014.

2. It is the case of the petitioner that she was affected by tsunami in the year 2004 and her family members died in that disaster and she lost her entire property. While so, the World Bank has allotted the National Disaster Tsunami Fund, which was utilised for construction of tsunami houses and small shops to the victims at AIR scheme, tsunami quarters at Ernavoor, Chennai-77, Thilagar Nagar Scheme tsunami quarters, Tondiarpet, Chennai-81 and Ezhil Nagar, Okkium Thuraipakkam Scheme tsunami quarters, Chennai-77. The petitioner was allotted a tsunami house at Ezhil Nagar, Okkium Thuraipakkam, Chennai-97 by the third respondent, as per the order of this Court.

3. It is the further case of the petitioner that the third respondent by his proceedings in Sa.Ka.No.10310/11, dated 19.06.2013, fixed the monthly rental amount at Rs.650/- for tsunami small shops (10x10 sq.ft) at AIR Scheme, Ernavoor, Chennai 57 by beneficiaries selection process. The third respondent by another proceedings in Na.Ka.No.B1/14027/07 dated 24.12.2014 fixed the monthly rental amount at Rs.1,000/- for tsunami shops at Thilagar Nagar Extension Scheme, Tondiarpet, Chennai-81, by draw process. Thereafter, the third respondent announced the public auction to the tsunami small shops at Ezhil Nagar, Okkium Thuraipakkam, Chennai- 97 on 21.01.2016. Pursuant to the same, the petitioner participated in the public auction by paying the entrance fee of Rs.200/- and caution deposit amount of Rs.5,000/- and she was the successful bidder for Shop No.8 of the tsunami small shop, for which, the monthly rent was fixed at Rs.5,400/-.

4. Now the grievance of the petitioner is that the third respondent, without following his earlier proceedings, fixed the monthly rent at higher rate for her tsunami small shop. Hence, she made a representation dated 27.01.2016 to fix the monthly rent between Rs.1,000/- and Rs.1,500/- to her tsunami small shop at Ezhil Nagar, Okkum Thuraipakkam, Chennai-79, as she is living below the poverty line. However, till date, no order has been passed by the respondents. Therefore, the petitioner has filed the present writ petition for the above stated relief.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for respondents 1 and 2.

6.It is submitted by the learned counsel for the third respondent that the petitioner at the time of auction, accepted the monthly rent at Rs.5,400/- and thereafter, she gave the said representation for reducing the rental amount for her Tsunami small shop.

7.Considering the facts and circumstances of the case, without going into the merits of the claim made by the petitioner, this Court directs the respondents to consider the representation of the petitioner dated 27.01.2016, by affording an opportunity of personal hearing to the petitioner and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of accordingly. No costs.

sd/-

Assistant Registrar(Cs-VI)

/TRUE COPY/

Sub-Assistant Registrar

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To

1.The Secretary to Government,
Tamil Nadu Slum Clearance Board,
Secretariat,
Chennai 09.

2.The Project Manager,
Tsunami Relief & Reforms Scheme,
Ezhilagam, Chepauk,
Chennai-05.

3.The Managing Director,
Tamil Nadu Slum Clearance Board,
Chennai-05.

+1 CC to MR.T.V.G.Kartheeban Advocate. SR.NO. 7881
+1 CC to Govt.Pleader. SR.NO.7945

W.P.No.4193 of 2016

CO-AK

JD 16/02/2016