

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.01.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and

The Honourable Mr.Justice M.SATHYANARAYANAN

W.P.No.50 of 2016

and

W MP 15 of 2016

V.Narayanan @ Americai Narayanan .. Petitioner

Versus

1.The State of Tamil Nadu
represented by Secretary to Government
Public Works Department,
Fort St.George,
Chennai 600 009.

2.The Chairman
Tamil Nadu Slum Clearance Board,
Kamarajar Salai,
Chennai 600 005.

3.The Tahsildar,
Mylapore - Triplicane Taluk,
Chennai 600 004.

..Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, forbearing the respondents from in any manner interfering with the peaceful possession and enjoyment of the residents of the Malligaipoo Nagar, Adyar, Chennai 600 020.

For Petitioner ::: Mr. R.Gandhi
Senior Counsel for Mr.R.G.Narendhiran

For Respondents::: Mr. S.T.S.Murthi
Government Pleader
for R.1 and R.3
Mr.B.Kesavan for R.2

O R D E R

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

It appears from the documentation that in some cases, the Tamil Nadu Slum Clearance Board appears to have made allotments on the terms and conditions specified in the letter, which permits the thatched roof to remain at that particular land. The further condition imposed is that they should not let out or alienate the hut or the land.

2. The pictures we see today are multi-storeyed constructions, some of which would not even be capable of being authorised, even if plan had been sanctioned. The case sought to be made on behalf of the occupants is that the area in question has not been affected by the recent floods and that they should not be shifted.

3. As to what is the nature of the land, in what manner and by which order the land is transferred to the Slum Clearance Board, how many allotments were made and who are the occupants, whether original allottees continue to occupy only the original existing structure or has there been subsequent violation - all these aspects have not been set out and cannot be set out by the petitioner, who is a political activist in the local area.

4. It is not a case where somebody seeks to represent the downtrodden sections of the society, as the construction is visible from the photographs which the petitioner would rely on.

5. We are of the view that only an association of the affected parties and/or the affected parties can approach the court, if they are so aggrieved, and that too with the categorical assertion about the allotment - that it is in their favour or their forefathers, no other structure had been completed and no terms of allotment violated as stipulated by the Slum Clearance Board, as specified in the allotment letter.

6. We are thus not inclined to entertain the present petition as a Public Interest Litigation at the behest of the

petitioner, who is a political activist and thus dismiss the petition with aforesaid liberty. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ksr

To

1.The Secretary to Government
Public Works Department,
Fort St.George, Chennai 600 009.

2.The Chairman
Tamil Nadu Slum Clearance Board,
Kamarajar Salai, Chennai 600 005.

3.The Tahsildar,
Mylapore - Triplicane Taluk,
Chennai 600 004.

+1 cc to Mr.R.G.Narendhiran, Advocate, sr.1888
+1 cc to The Government Pleader, sr.2324

gr co
kra 25.01.2016

W.P.No.50 of 2016

सत्यमेव जयते
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