

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.605 of 2016

V.Karpagam

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai-9.

2.The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai,
Chennai-5.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider and dispose of petitioner's representation dated 2.8.2013 and 10.9.2015 to issue allotment order to the petitioner in respect of Appavoo Nagar Layout, North Saidapet at Door No.26/31, Railway Border 2nd Street, Kaveri Nagar, Saidapet, Chennai-15 measuring about 800 sq.ft. within time stipulated by this Court.

For Petitioner : Mr.S.Velmurugan

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader, for R.1
Mr.B.Kesavan, for R.2

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider and dispose of her representations dated 2.8.2013 and 10.9.2015 to issue allotment order in her favour in respect of Appavoo

Nagar Layout, North Saidapet at Door No.26/31, Railway Border 2nd Street, Kaveri Nagar, Saidapet, Chennai-15 measuring about 800 sq.ft. within time stipulated by this Court.

3. It is the case of the petitioner that originally, her father in law Govindasamy was residing at Plot No.16, North Saidapet, Chennai-15, now Door No.26/31, Railway Border 2nd Street, Kaveri Nagar, Saidapet, Chennai-15 since 1951 onwards. He paid the monthly rental amount of Rs.2/- and R.4/- to the Madras City

Improvement Trust, Chennai right from 1951 till 1958. Subsequently, the City Improvement Trust had passed an order dated 24.7.1958 by reducing the monthly rental amount from Rs.4/- to Rs.1/-. Accordingly, her father in law remitted the rental amount till 1959. Thereafter, the monthly rental amount had been remitted by her father in law to the Tamil Nadu Housing Board till 1960. In the meanwhile, her father in law expired in the year 1960. In the year 1972, the Tamil Nadu Slum Clearance Board has taken over the charge of the land. Subsequently, the petitioner has remitted the monthly rental amount of Rs.1/- in the name of her father in law to the Tamil Nadu Slum Clearance Board, the second respondent herein till 1974. In the year 1974, an Urban Development Scheme in the name of Appavoo Nagar, Saidapet, Chennai was developed by the second respondent with the aid of world Bank with a view to regularize the possession and enjoyment of the land occupied by the respective persons with an object to allot the same to the persons who were residing there. The petitioner is continuously residing in the said premises with her family members till date. In this connection, she has also obtained necessary residential certificate from the Taluk Tahsildar, Mambalam - Guindy in the year 1989 itself. At the time of forming the layout in the name of Appavoo Nagar Scheme, the second respondent has not taken into account of her plot in the said scheme and the second respondent has not allotted the said plot till date. In this regard, the petitioner has sent a detailed representation as early as in the year 2013 and the same is pending with the respondents. Thereafter, she made another representation dated 10.9.2015 to the respondents to issue allotment order in favour of the petitioner for the said premises. But, till date, the respondents have not passed any orders on the said representation. Hence, the petitioner has come up with the present writ petition seeking a direction to the respondents to consider and dispose of her representation dated 10.9.2015 to issue allotment order in her favour in respect of Appavoo Nagar Layout, North Saidapet at Door No.26/31, Railway Border 2nd Street, Kaveri Nagar, Saidapet, Chennai-15 measuring about 800 sq.ft. within time stipulated by this Court.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the first respondent and the learned counsel, who has taken notice on behalf of the second respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the petitioner to give a copy of the representation dated 10.9.2015 to the second respondent by enclosing all the necessary documents, along with a copy of this order, within a period of one week from the date of receipt of a copy of this order, and on receipt of the same, the second respondent is directed to consider the said representation and pass appropriate orders on merits and in accordance with law, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.
sbi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary to Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai-9.
- 2.The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai,
Chennai-5.

+ 1 cc to Mr.S.Velmurugan, Advocate Sr 18240

+ 1 cc to Mr.B.Kesavan, Advocate Sr 18241

+ 1 cc to The Govt.Pleader, Sr 18376

KR/1/4/16

W.P.No.605 of 2016