

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.4357 of 2017

Devi

... Petitioner

vs.

1. The District Collector,
Chennai District,
Singaravelar Maaligai,
Chennai 600 001.
2. The Chairman,
Slum Clearance Board,
No.5, Kamarajar Salai,
Triplicane, Chennai 600 005.
3. The Managing Director,
Tamil Nadu Slum Clearance Board,
5, Kamarajar Salai,
Chennai 600 005.
4. The Estate Officer,
Estate Office - 6,
Tamil Nadu Slum Clearance Board,
Mylapore, Chennai 600 004.
5. The Executive Engineer,
Reconstruction Division,
Chennai 600 005.
6. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 600 007.
7. The Inspector of Police,
Mylapore Police Station,
Chennai 600 004.
8. Thilagam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents 4 and 5 to implement the order of the 3rd respondent in Na.Ka.No.G6/8595/2015, dated 04.08.2015.

For Petitioner : Mr.M.Vijayaragavan

For Respondents 1, 6 & 7 : Mr.A.Kumar,
Special Government Pleader

For Respondents 2 to 5 : Mr.B.Kesavan

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to respondents 4 and 5 to implement the order of the 3rd respondent in Na.Ka.No.G6/8595/2015, dated 04.08.2015.

2. According to the petitioner, she was residing in Hut No.79, Nochi Nagar, Mylapore and due to Tsunami calamity, she lost her hut and household articles. The 2nd respondent conducted an enquiry in that regard and allotted Tenements to various persons and the petitioner was also allotted a Tenement vide Allotment-cum-Identity Card and Allotment order No.G6/20791/13, dated 10.01.2014 under the Free Tsunami Rehabilitation Scheme (Emergent) Housing in No.29, C-Block, Nochi Nagar, Tsunami Rehabilitation Scheme (Emergent) Slum Clearance Board, Mylapore, Chennai 600 004.

3. The case of the petitioner is that she was living peacefully with her family in the said Tenement and paying the monthly subscription and electricity bills, without fail. While so, one Suseela, wife of Jambulingam, forcefully evicted the petitioner and her family members and occupied her tenement with the help of rowdy elements. In this regard, the petitioner lodged a complaint with the 7th respondent/Inspector of Police, Mylapore Police Station on 05.01.2015 and the 7th respondent, after issuing CSR, advised the petitioner to approach the Slum Clearance Board. Thereafter, the petitioner also lodged a complaint with the Chief Minister's Cell on 09.03.2015 and also before the 6th respondent on 16.03.2015.

4. Pursuant thereto, the 3rd respondent conducted a detailed enquiry and came to the conclusion that the petitioner

is the original allottee and vide order dated 04.08.2015, directed the respondents 4 and 5 to evict the trespassers and hand over the tenement to the petitioner within ten days. Thereafter, when the petitioner approached the respondents 4 and 5 to implement the order of the 3rd respondent, they neglected her request.

5. In such circumstances, the 8th respondent viz. Thilagam, filed a Civil Suit in O.S.No.4878 of 2015 on the file of the III Assistant City Civil Court, Chennai seeking permanent injunction restraining the petitioner and the 3rd respondent from her peaceful possession and enjoyment of the suit schedule property, with an intention to drag on the eviction proceedings. The 8th respondent also filed an Interlocutory application in I.A.No.12511 of 2015 in O.S.No.4878 of 2015 and got an order of interim injunction. Contending that the 8th respondent, with an intention to grab the property originally allotted to the petitioner, has filed a Civil Suit, the petitioner now seeks a direction to respondents 4 and 5 to implement the order of the 3rd respondent.

6. Heard the learned counsel on either side and perused the material documents available on record.

7. On a perusal of the records, it is seen that the petitioner is the original allottee even as per the order dated 04.08.2015 of the 3rd respondent/Managing Director of Tamil Nadu Slum Clearance Board and the occupier Thilagam is not the proper allottee and she has got to be evicted. Though according to the petitioner, the 8th respondent obtained an interim order of injunction in the Civil Suit, the same has not been extended. Even otherwise, it is for the Department to decide on it.

8. Learned Special Government Pleader submitted that the respondents will consider the petitioner's representation dated 20.10.2016 in accordance with law.

9. In view of the above, respondents 4 and 5 are directed to consider the petitioner's representation dated 20.10.2016 in implementation of the order dated 04.08.2015 passed by the 3rd respondent herein, after giving notice to the 8th respondent herein, and pass appropriate orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction.
Consequently, connected W.M.P.No.4552 of 2017 is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

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6. The Commissioner of Police,
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Vepery, Chennai 600 007.

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7. The Inspector of Police,
Mylapore Police Station,
Chennai 600 004.

+1cc to the Government Pleader Sr.12137
+1cc to Mr.M.Vijayaraghavan, Advocate Sr.11327
+1cc to Mr.B.Kesavan, Advocate Sr.11261

W.P.No.4357 of 2017

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srg 17/03/2017



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