

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.7860 of 2017

S.Anandan

.. Petitioner

Vs.

- 1 The Government of Tamilnadu
rep. by the Secretary
Housing and Urban Development Department
Fort St.George
Chennai - 600 009.
- 2 The Chairman
Tamilnadu Slum Clearance Board
Kamarajar Salai, Chennai - 600 005.
- 3 The Executive Engineer
Division III
Tamilnadu Slum Clearance Board
Vyasarpadi, Chennai - 600 039.
- 4 The Assistant Engineer
Division III
Tamilnadu Slum Clearance Board
Chennai - 600 039.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records relating for the impugned order dated 24.2.2017 passed by the 1st respondent in Letter No.21685/SC2(1)/2016-3, quash the same and direct the 1st respondent to dispose of the appeal afresh after hearing the petitioner and giving an opportunity to him to putforth his case.

For Petitioner

: Mr.P.Mani

For Respondents

: Mr.T.N.Rajagopalan
Spl. Government Pleader

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.T.N.Rajagopalan, learned Special Government Pleader takes notice for the respondents.

2. The petitioner has filed this writ petition seeking issuance of a writ of Certiorarified Mandamus calling for the records relating for the impugned order dated 24.2.2017 passed by the 1st respondent in Letter No.21685/SC2(1)/2016-3, quash the same and direct the 1st respondent to dispose of the appeal afresh after hearing the petitioner and giving an opportunity to him to put forth his case.

3. The petitioner's mother-in-law was allotted a Bunk shop. Since petitioner's mother-in-law is an old lady, the petitioner has been assisting her in running the bunk and is residing along with his mother-in-law. When things stood thus, the Slum Clearance Board issued notice dated 6.10.2016 in Form A to the petitioner treating him as an encroacher. Thereafter, notice in Form B was issued on 21.10.2016 for eviction of the petitioner. Assailing the same, the petitioner preferred an appeal, which was dismissed by the first respondent by proceedings dated 24.2.2017. Calling into question the said proceedings, the present writ petition is filed.

4. The learned Special Government Pleader appearing for the respondents submits that the petitioner has illegally purchased the bunk shop from the original allottee and has encroached 466 sq.ft. in gross violation of provisions of the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971, and therefore, notices were issued to him and after following the procedure contemplated under law, the appeal was rejected by the first respondent.

5. However, the main grievance of the petitioner is that no opportunity of hearing was given to him before rejecting the appeal and that the documents relied upon by the first respondent to pass the impugned order have not been furnished to the petitioner.

6. Considering the facts and circumstances of the case, we direct the respondent authorities to cause an inspection and survey the property allotted to the mother-in-law of the petitioner and take steps to remove the encroachment, if any, after following the procedure contemplated under law and affording an opportunity of hearing to the petitioner.

The writ petition is disposed of accordingly. No costs.
Consequently, W.M.P.No.8580 of 2017 is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sasi

To:

- 1 The Secretary
Government of Tamilnadu
Housing and Urban Development Department
Fort St.George
Chennai - 600 009.
- 2 The Chairman
Tamilnadu Slum Clearance Board
Kamarajar Salai, Chennai - 600 005.
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Division III
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Chennai - 600 039.

+1cc to Mr.P.Mani,Advocate sr.19912

+1cc to Government Pleader sr.20186

nm(co)
ss(19/4/2017)

W.P.No.7860 of 2017

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