

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WP.Nos.5896 & 5897/2017

Mrs.Sermila @ Semila .. Petitioner in
WP.No.5896/2017

Mrs.Gowri .. Petitioner in
WP.No.5897/2017

Versus

- 1.The Managing Director
Tamil Nadu Slum Clearance Board
5, Kamarajar Salai, Chennai 600005.
- 2.The Chief Engineer
State Land and Water Resource
Organisation, Public Works Department
Taramani, Chennai 600 113.
- 3.The Commissioner
Chennai Corporation, Ripon Buildings
Chennai 600 003.
- 4.The Chief Engineer
Storm Water Drain & [Spl.Project]
Greater Chennai Corporation
Ripon Buildings, Chennai 600003.

.. Respondents
in both the writ petitions

Writ petitions filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to hand over the possession of the dwelling unit to the petitioners for shelter and livelihood

For Petitioners in
both WPs : M/s.Swaminathan Law
Associates

For R1
in both WPs : Mr.B.Kesavan

For R2 in
both WPs : Mrs.K.Bhuvaneswari, GA

For RR3&4
in both WPs : Mr.P.V.Selvakumar

COMMON ORDER

By consent, both the writ petitions are taken up for final disposal. Mr.B.Kesavan, learned counsel accepts notice on behalf of the 1st respondent ; Mrs.K.Bhuvaneswari, learned Government Advocate accepts notice on behalf of the 2nd respondent and Mr.P.V.Selvakumar, learned Standing Counsel accepts notice on behalf of the respondents 3 and 4.

2 The petitioner in WP.No.5896/2017 was originally living as slum dweller at Otteri Nallah, Narasimapuram, 4th Street, Kannikapuram, Pulianthope, Chennai-12, for more than 40 years and they were evicted and as per proceedings of the Chairman, Tamil Nadu Slum Clearance Board, Chennai-5, dated 16.12.2014 in Na.Ka.No.\$p2/14469/2012 addressed to the 4th respondent, the petitioner name is in Serial No.67 [Biometric Number 330200570001310023] as one of the allottees to be given alternate accommodation at Okiyam Thuraipakkam and however, the further consequential orders are yet to be passed by the 3rd respondent and in this regard, a representation has also been submitted to the Hon'ble Mayor of Chennai Corporation and legal notices were also sent to the respondents 1 to 4 on 06.06.2016 and in spite of receipt and acknowledgment, no orders have been passed and therefore, the petitioner came forward to file the present writ petition.

3 The petitioner in WP.No.5897/2017 was originally living as slum dweller at Otteri Nallah, Narasimapuram, 4th Street, Kannikapuram, Pulianthope, Chennai-12, for more than 40 years and they were evicted and as per proceedings of the Chairman, Tamil Nadu Slum Clearance Board, Chennai-5, dated 16.12.2014 in Na.Ka.No.\$p2/14469/2012 addressed to the 4th respondent, the petitioner name is in Serial No.68 [Biometric Number 330200570001310021] as one of the allottees to be given alternate accommodation at Okiyam Thuraipakkam and however, the further consequential orders are yet to be passed by the 3rd respondent and in this regard, a representation has also been submitted to the Hon'ble Mayor of Chennai Corporation and legal notices were also sent to the respondents 1 to 4 on 06.06.2016 and in spite of receipt and acknowledgment, no orders have been passed and therefore, the petitioner came forward to file the present writ petition.

4 The learned counsel for the petitioners would submit that once the beneficiaries such as the petitioners have been identified, it is obligatory on the part of the 3rd respondent to give the actual allotment and on instructions, would submit that in the event of actual allotments are given,

the petitioners will not alienate or hand over the possession of the same in favour of the 3rd parties and continue to reside in the flats allotted to them under the above said scheme. The said submission on instructions, is placed on record.

5 The learned counsel appearing for the respondents 3 and 4 would submit that appropriate orders will be passed based on the proceedings of the Chairman, Tamil Nadu Slum Clearance Board, Chennai-5.

6 The Court has considered the rival submissions and also perused the materials placed before it.

7 Though the petitioner has prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, directs the 3rd respondent to act on the representations in the form of legal notices dated 06.06.2016 sent on behalf of the petitioners and pass appropriate orders in accordance with law as expeditiously as possible and not later than six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

8 The writ petitions stand disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP
To

1.The Managing Director
Tamil Nadu Slum Clearance Board
5, Kamarajar Salai, Chennai 600005.

2.The Chief Engineer
State Land and Water Resource
Organisation, Public Works Department
Taramani, Chennai 600 113.

3.The Commissioner
Chennai Corporation, Ripon Buildings
Chennai 600 003.

4.The Chief Engineer
Storm Water Drain & [Spl.Project]
Greater Chennai Corporation
Ripon Buildings, Chennai 600003.

+2cc to Mr.Swaminathan Law Associates, Advocate,
S.R.No.15274,15275

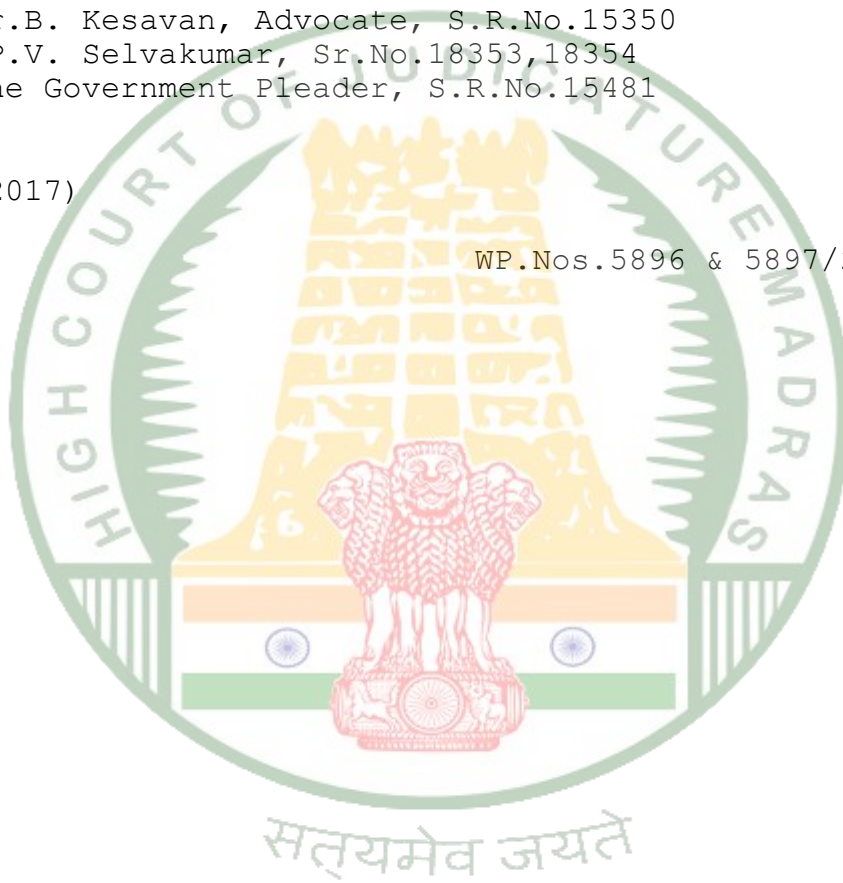
+1cc to Mr.B. Kesavan, Advocate, S.R.No.15350

+2 cc to P.V. Selvakumar, Sr.No.18353,18354

+1cc to the Government Pleader, S.R.No.15481

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md(21/03/2017)

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