

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.07.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.Nos.11085&11086/2017 and W.M.P.No.12026 & 12027/2017

L.Edwin Pakiaraj

.. Petitioner in
both writ petitions

Versus

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

2. The Estate Officer,
Estate Officer 5,
Slum Clearance Board,
T.P.Chattiram,
Chennai-600 010.

.. Respondents in
both petitions

COMMON PRAYER:- Writ petitions filed under Article 226 of the Constitution of India prays to issue a Writ of Certiorari to call for the records of the Impugned Order of Eviction Notice vide. Na.Ka.No.55/A/E.A.5/2017, dated 17.04.2017 issued by the 2nd respondent herein against the petitioners' physical possession and Super Structures of 'Calvary Baptish Church' made of Asbestos Roof, situated at Bunk Nos.8 and 14, Navalur Nagar, Chepauk, Chennai-600 005 and quash the same.

For Petitioner in
both Writ Petitions

:Mr. C.Ponnusamy

For Respondents in
both Writ Petitions

:Mr.S.Prabhu

COMMON ORDER

By consent, the writ petitions are taken up for final disposal. Mr.S.Prabhu, learned Standing counsel accepts notice on behalf of the respondents. Since the issue involved in these

writ petitions are one and the same, both the writ petitions are taken up for hearing and are disposed of by the following common order.

2 The petitioner in the affidavits filed in support of these writ petitions would further aver among other things that he is a permanent residents at Door No.34, 1st street, A.K.Samy Nagar, Kilpauk, Chennai-600 010. He claims to be a 'Pastor' in 'Calvary Baptist Church' at Bunk Nos.8 and 14, situated at Navala Nagar, Chepauk, Chennai-600 005 and the said land belongs to Tamil Nadu Slum Clearance Board and it is further stated by the petitioner that the Bunk Nos.8 and 14 were allotted in favour of one P.K.Gopi and one Valliyammal and others vide proceedings of the 1st respondent dated 27.10.1992 in Na.Ka.No.29633/92/B4. The original allottees said to have allotted the said Bunks in favour of one K.P.Krishnadoss, S/o.Kunjimani through an unregistered Sale Deed and from them, the petitioner has purchased once again through unregistered Sale Deeds for a valuable consideration of Rs.1,50,000/- each. The petitioner would further claim that the Tamil Nadu Slum Clearance Board also accepted the rent paid to them from the year 1998 till January 2014. However to his shock and surprise, Impugned Notices were issued in favour of the original allottees viz., P.K.Gopi and Valliyammal and they have been issued with Form A and B notices dated 03.04.2017 and 17.04.2017 respectively and hence, came forward to file the Writ Petitions by challenging the legality of the 'B' Notices dated 17.04.2017.

3 Mr.C.Ponnusamy, learned counsel appearing for the petitioner has invited the attention of this Court to the materials placed before it and would indicate that the petitioner in both petitions has submitted the detailed representations dated 05.04.2017 to respondents 1 and 2 in person and prayed for regularisation of his possession and it would be suffice that the respondents 1 and 2 may be directed to consider and dispose of the said representations in accordance with law within a stipulated time.

4 Per contra, Mr.S.Prabhu, learned Standing Counsel appearing for the respondents, on instructions, would submit that admittedly, the petitioner is not the original allottee and he claims to have purchased the said Bunk shops from one P.K.Gopi and one Valliyammal through unregistered Sale Deeds and the same do not confer any right upon him and prays for dismissal of these writ petitions.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 This Court, in the light of the above facts and circumstances, directs the respondents 1 and 2 to consider and

dispose of the petitioner's individual representations dated 05.04.2017 on merits and in accordance with law after putting on notice the original allottees viz., P.K.Gopi and Valliyammal and pass appropriate orders in eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the original allottees viz., P.K.Gopi and Valliyammal.

7 The Writ Petitions are disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is also closed.

s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

sk

To

1. The Chairman,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai,
Chennai-600 005.
2. The Estate Officer,
Estate Officer 5,
Slum Clearance Board,
T.P.Chattiram,
Chennai-600 010.

+2 CCS to Ms.Dalit Tiger C.Ponnusamy, Advocate sr 49293,49292.

सत्यमेव जयते

WP.Nos.11085&11086/2017
and W.M.P.No.12026&12027/2017

SJ(CO)
sp(10/08/2017)

WEB COPY