

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.20943/2017

N.Rajasekaran

.. Petitioner

Vs

1.The Zonal Officer

Ward No.49, Zone No.5,
Corporation of Madras, Old
Washermenpet, Chennai-21.

2.The Chairman

Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai,
Chennai 600 005.

3.Mrs.Ketheri Ammal

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to dispute of the representation given by the petitioner and to stop the illegal constructions being carried out by the 3rd respondent.

For Petitioner : M/s.V.Rajesh
For R1 : Mr.A.Nagarajan
For R2 : Mr.M.Rajasekar

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.A.Nagarajan, learned Standing Counsel accepts notice on behalf of the 1st respondent and Mr.M.Rajasekar, learned Standing Counsel accepts notice on behalf of the 2nd respondent.

2 It is the case of the writ petitioner that vide Order of Allotment dated 22.06.1972 passed by the Assistant Director, Fisheries Department, 62 beneficiaries from the Fishermen Community were identified and each of them were allotted plots

admeasuring an extent of 800 sqft [20x40 sqft] and the mother of the petitioner was allotted Plot No.24. Thereafter, she had put up a superstructure and was residing there and she died on 12.10.2007 and after her demise, the petitioner continue to reside in the premises. The grievance expressed by the petitioner is that the 3rd respondent had encroached upon his property and started putting up illegal construction without any authorisation or planning permission. In this regard, the petitioner has submitted representations to the 1st respondent on 01.07.2017 and in spite of receipt and acknowledgment, no orders have been passed and hence, the petitioner came forward to file the present writ petition.

3 Heard the submissions of the learned counsel for the petitioner ; Mr.A.Nagarajan, learned Standing Counsel appearing the 1st respondent and Mr.M.Rajasekar, learned Standing Counsel appearing for the 2nd respondent.

4 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 same, directs the 1st respondent and the officials of the 2nd respondent to put the 3rd respondent on notice and thereafter, conduct a joint inspection and pass orders on the representation of the petitioner dated 01.07.2017 on merits and in accordance with law within a period of 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 3rd respondent.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

AP

To

1. The Zonal Officer
Ward No.49, Zone No.5,
Corporation of Madras, Old
Washermenpet, Chennai-21.

2. The Chairman
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai,
Chennai 600 005.

+ 1 cc to M/s.V.Naresh, Advocate,SR.56815

+ 1 cc to M/s.M.Raja Sekhar, Advocate,SR.56703

WP.No.20943/2017

NR 30/08/2017



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