

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.No.12123 of 2014

and

M.P.No.1 of 2014

V.Kuppusamy

.... Petitioner

Vs.

- 1.The Chairman,  
Tamilnadu Slum Clearance Board,  
No.5, Kamaraj Salai,  
Chepauk, Chennai-600 005.
- 2.The Assistant Engineer,  
Sub-Division-I, Division-6,  
Tamilnadu Slum Clearance Board,  
Indira Nagar Part-I,  
No.5, Kamaraj Salai, Chennai-600 005.
- 3.The Assistant Secretary (Tenement),  
Sub-Division-I, Division-6,  
Tamilnadu Slum Clearance Board,  
Indira Nagar Part-I,  
No.5, Kamaraj Salai, Chennai-600 005.

4.D.Rajaraman

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents herein to initiate appropriate action against the 4<sup>th</sup> respondent for his unauthorized construction at tenement No.20/2, Indira Nagar (South), Adayar, Chennai, building in Block at 11<sup>th</sup> Lane and comprised in Survey Nos.46/4 and 5, 47/1 to 4, 48/1, 3 to 5, 49/1 to 3 part in Thiruvanmiyur Village, Mylapore-Triplicane Taluk, in South Chennai, in accordance with provisions of the Tamil Nadu Slum Clearance Board (Control and Management of Properties) Rules, 1971.

For Petitioner : Mr.J.Selvarajan

For Respondents : Mr.M.Rajasekar,  
Standing Counsel for R1 to R3  
Mr.B.R.Shankaralingam for R4

O R D E R

(Order of the Court was made by M.SATHYANARAYANAN, J.)

By consent, this writ petition is taken up for final disposal. Mr.M.Rajasekar, learned Standing Counsel appears for the respondents 1 to 3. Fourth respondent is no more and no steps have been taken to bring his legal heirs on record.

2. The petitioner would state that one Rajarathinam was a tenant of a slum tenement which came into being under Rehabilitation of Slum Dwellers Scheme and he was paying a sum of Rs.50/- per month and got accommodation under economically weaker category, bearing tenement No.20/11, First Floor, 11<sup>th</sup> Lane, Indira Nagar (South), Adayar, Chennai-20, admeasuring 22.31 sq.meters, comprised in S.Nos.46/4 and 5, 47/1 to 4, 48/1, 3 to 5, 49/1 to 3 part in Thiruvanmiyur Village, Mylapore-Triplicane Taluk, Chennai and the said Rajarathinam had also applied to the first respondent to purchase the said tenement and accordingly, sale deed was registered in his favour and he in-turn sold the same in favour of one Uma Rani during the year 2001 and from her, the petitioner had purchased through registered sale deed and as of now, the petitioner claims to be in possession and enjoyment of the same. The grievance expressed by the petitioner is that the fourth respondent, who is a tenant in ground floor, has started put up construction and in that process, he had obstructed the windows in the first floor, in violation of the rules and in this regard, the petitioner has submitted a representation dated 10.03.2014 to the respondents 1 and 2, which was also followed by reminder dated 24.03.2014 and despite receipt and acknowledgement, no action has been taken to demolish the offending construction and hence came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that since the fourth respondent has put up unauthorized construction, it should be demolished forthwith and the fourth respondent is no more and no steps have been taken to bring his legal heirs on record.

4. Mr.M.Rajasekar, learned Standing Counsel appearing for the respondents 1 to 3/Tamil Nadu Slum Clearance Board, on instructions, would submit that the petitioner has put up unauthorized construction to an extent of 117 Sq.ft on the front

side and the fourth respondent has put up unauthorized construction to an extent of 260 sq.ft. on the rear side and after putting the petitioner and the fourth respondent on notice, appropriate action will be taken to demolish the offending construction.

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

6. Though the petitioner prays for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected, either by the petitioner or the fourth respondent, directs the third respondent to take appropriate action in accordance with law with regard to the offending/unauthorized construction put up by the petitioner and the fourth respondent on the front side and rear side respectively in Tenement No.20/2, Indira Nagar (South), Adayar, Chennai, building in Block at 11<sup>th</sup> Lane, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the fourth respondent.

7. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

jvm

To

1.The Chairman,  
Tamilnadu Slum Clearance Board,  
No.5, Kamaraj Salai, Chepauk, Chennai-600 005.

2.The Assistant Engineer,  
Sub-Division-I, Division-6,  
Tamilnadu Slum Clearance Board,  
Indira Nagar Part-I, No.5, Kamaraj Salai, Chennai-600 005.

3.The Assistant Secretary (Tenement),  
Sub-Division-I, Division-6,  
Tamilnadu Slum Clearance Board,  
Indira Nagar Part-I,  
No.5, Kamaraj Salai, Chennai-600 005.

+1cc to Mr.M.Rajasekhar, Advocate SR.No.90688

+1cc to Mr.B.R.Shankaralingam, Advocate SR.No.90977

W.P.No.12123 of 2014

GN(09/01/2018)



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