

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14784 of 2004

Shakira

... Petitioner

Vs.

1.The Chairman
Tamilnadu Slum Clearance Board,
Chepauk, Chennai-5.

2.The Estate Officer North
Tamilnadu Slum Clearance Board,
Chepauk, Chennai-1.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in RC.No.G1/20184/99 dated 04.05.2004 and quash the same in so far as flat No.457 is concerned and to consequently direct the respondents to allot Flat No.457 Navalur Nagar Slum Clearance Board Tenements, Dr.Radhakrishnan Nagar, Tondiorpet, Chennai-21 to the petitioner.

For Petitioner : Mr.T.Ramadevi
For Respondents : Mr.R.V.Babu

ORDER

The petitioner has filed this petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the first respondent in RC.No.G1/20184/99 dated 04.05.2004 and to quash the same in so far as flat No.457 is concerned and to consequently direct the respondents to allot Flat No.457, Navalar Nagar Slum Clearance Board Tenements, Dr.Radhakrishnan Nagar, Tondiorpet, Chennai-21 to the petitioner.

2.Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents.

3.The petitioner is the occupant of tenement No.457, Navalar Nagar Slum Clearance Board Tenements, Dr.Radhakrishnan Nagar, Tondiorpet, Chennai. Though the petitioner's name is not found in the impugned order, in view of the said occupation he has filed this writ petition challenging the impugned order dated 04.05.2004.

4.The facts leading to this writ petition are as follows: The respondent/ Tamil Nadu Slum Clearance Board constructed a tenement for the purpose of slum dwellers in the year 1998. After construction

of the tenement, the respondents conducted an enumeration of the persons for allotment of the newly constructed flats to the displaced persons and the petitioner's family was one among the displaced persons who were promised an apartment by the respondent. Thereafter, during the heavy rains in the year 1998, they were allowed to occupy the newly constructed flats and were informed that the allotment orders would be issued subsequently. Hence, the petitioner was in occupation of flat no.457 since 1999.

5. Thereafter, nearly 26 persons claiming right of allotment of the flats, approached this Court by way of writ petition in W.P.Nos.11646 and 11899 of 1999. This Court vide order dated 31.12.2002, directed the petitioners therein to submit their respective application to the respondent therein and further directed the respondents therein to consider the said individual representations and to pass orders. As per the order of this Court, the respondents therein considered the individual representations submitted by the petitioners therein and rejected their request on the ground that there is no provision for regularisation of encroachment. This rejection order dated 04.05.2004 is impugned in this writ petition since in the impugned order the name of the occupant in flat no.457 is mentioned

as Abdul Ghani.

6.The learned counsel appearing for the petitioner would submit that the petitioner is a poor and illiterate person and she is in occupation right from the year 1999. However, since her claim was not considered by the respondent, the learned counsel requests the Court on behalf of the petitioner that it would be sufficient to direct the respondent to consider the claim of the petitioner for allotment of flat no.457 afresh.

7.The learned counsel appearing for the petitioner would submit that this Court while entertaining this writ petition has granted interim injunction and by virtue of the interim order, the petitioner is in possession of the property till date.

8.The learned Standing Counsel appearing for the respondents concede to the request of the petitioner and submitted that the petitioner may be directed to approach the respondents with necessary documents.

9.Considering the limited prayer now sought for by the learned counsel appearing for the petitioner, this Court is inclined to issue a direction to the respondent board to consider the representation to be

made by the petitioner.

10. Accordingly, this writ petition is disposed of with a direction to the petitioner to make a fresh representation to the respondents, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondent board is directed to consider and dispose of the same, within a period of twelve weeks thereafter. No costs.

12.09.2017

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

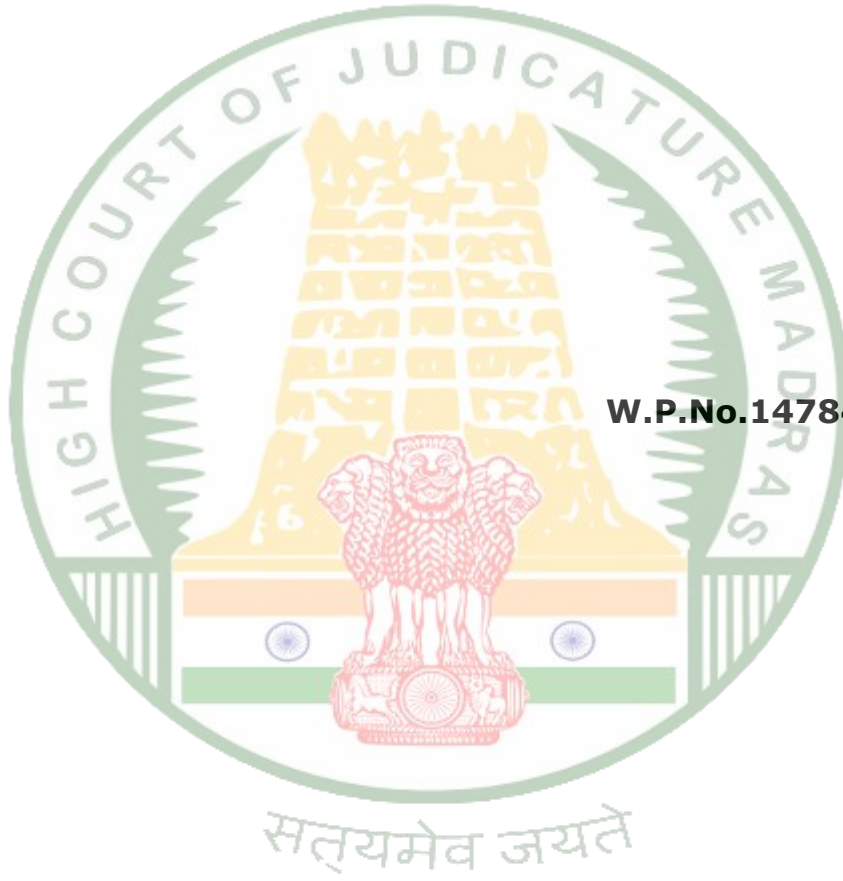
1. The Chairman

Tamilnadu Slum Clearance Board,
Chepauk, Chennai-5.

2. The Estate Officer North

Tamilnadu Slum Clearance Board,
Chepauk, Chennai-1.

M.DHANDAPANI,J.
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