



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.06.2017
CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

WEB COPY

W.P. (MD) No.10978 of 2017

N.Inbavalli

...Petitioner

Vs.

The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Tiruchirapalli Divison,
Trichy - 08.

...Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the respondent to consider the petitioner's representation, dated 15.04.2017 to complete the construction of petitioner's house in TS.No.2511, Thimmaraya Samudram, Thiruvanaikovil, Trichy under Rajiv Awas Yojana scheme.

For Petitioner : Mr.Raguvaran Gopalan
For Respondent : Mr.P.Mahendran

O R D E R

The petitioner has come up with the present writ petition, seeking issuance of writ of mandamus, directing the respondent to complete the construction of her house in TS.No.2511, Thimmaraya Samudram, Thiruvanaikovil, Trichy under Rajiv Awas Yojana scheme as per her representation, dated 15.04.2017.

2.By consent, the writ petition is taken up for final disposal in the admission stage itself.

3.Heard Mr.Raguvaran Gopalan, learned counsel appeared for the petitioner and Mr.P.Mahendran, learned counsel appeared for the respondent and carefully perused the materials placed on record.

4.According to the petitioner, 600 sq.feet in TS.No.2511, Thimmaraya Samudram, Thiruvanaikovil, Trichy was originally belonged to her husband, namely, late Nagarajan. As per Will executed by her husband, dated 10.06.2007, she became absolute owner of the property.

5.The petitioner would further state that the respondent Slum Clearance Board under Central Government scheme called Rajiv Awas Yojana is engaged in reconstruction of houses with a portion of cost being supplied by the beneficiaries. The petitioner opted for the said scheme and paid Rs.50,000/- to the respondent on 21.11.2015.



6.It is alleged by the petitioner that the respondent commenced construction in her property, thereafter the respondent stopped construction abruptly. Hence, she issued a notice in the month of February 2016, for which the respondent issued a reply, dated 24.02.2016 stating that the petitioner did not pay Rs.50,000/- under the said scheme. Thereafter, the petitioner made another representation, dated 15.04.2017 stating that she already paid Rs.50,000/- and also enclosed the challan. Thereafter, there is no response from the respondent. Hence, the present writ petition.

7.The learned counsel for the petitioner contended that the petitioner is a senior citizen and also a widow and she is being driven from pillar to post due to inaction of the respondent.

8.Mr.P.Mahendran, learned counsel for the respondent by referring to the counter, would submit that the petitioner paid her share amount as a beneficiary and the respondent also started putting up construction of the house, but could not be completed due to objections from her neighbours, namely, Vijayakumar S/o.Muthunagu and self help group. He further submitted that the official respondent had approached the Inspector of Police, Srirangam Police Station, but, since there was no co-operation, construction is still pending. If the police gives sufficient protection, the respondent is ready to complete the construction.

9.Considering the above submissions, this writ petition is disposed of with the following directions : -

- (i)The Inspector of Police, Srirangam Police Station shall provide police protection to the respondent to complete the construction work of the petitioner's house in TS.No.2551 and
- (ii)the respondent shall complete the construction of the house of the petitioner as expeditiously as possible, preferably within a period of three months from the date receipt of a copy of this order.

No costs.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To
The Executive Engineer,
Tamil Nadu Slum Clearance Board, Tiruchirapalli Division,
Trichy - 08.

+One cc to Mr.P.Mahendran, Advocate, SR.No.61520

+One cc to Mr.K.Prabhakar, Advocate, SR.No.61580