

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :05.09.2014
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.5241 of 2018

K.Dhanasekaran

.. Petitioner

.Vs.

1.The District Collector,
Singaravellar Maligai,
Rajaji Salai,
Chennai District,
Chennai-600 001.

2.The Tahsildar,
Mayor Ramanathan Salai,
Chetpet,
Chennai-600 031.

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

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to consider the representation of the petitioner dated 21.01.2018, and consequently direct the respondents to provide alternative house under the auspicious of Tamil Nadu Slum Clearance Board.

For Petitioner : Mr.M.Prabaharan

For Respondents: Mrs.A.Shri Jayanthi for RR 1 & 2
Spl. Government Pleader
Mr.R.Sivakumar for R 3

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to consider the representation of the petitioner dated 21.01.2018, and consequently, direct the respondents to provide alternative house under the Scheme by the Tamil Nadu Slum Clearance Board.

2.The grievance of the writ petitioner is that he was evicted from the Government land by the Competent Authorities. After evicting the writ petitioner, they made an application to provide an alternative house for dwelling purposes. However,

the request of the writ petitioner in this regard has not been considered. Thus, the writ petitioner is constrained to move the present writ petition.

3.The learned Special Government Pleader appearing on behalf of the respondents 2 & 3 states that the writ petitioner was an encroacher, and therefore, he was evicted by following the procedure contemplated under the Encroachment Act. His representation to provide an alternative house may be considered only based on the terms and conditions of the Scheme, if any introduced by the State in this regard. Thus, mere submission of representation will not confer any right on the writ petitioner to claim an allotment of the house in the Slum Clearance Board.

4.Admittedly, the writ petitioner is an encroacher and has been evicted by the Competent Authorities by following the procedures contemplated under the Encroachment Act. Thereafter, the writ petitioner submitted an application to provide an alternative house in the Slum Clearance Board. Alternative allotment is only on concession basis and the same can never be claimed as a legal right. In the event of implementing the Scheme of allotment of house, the case of the writ petitioner also to be considered along with such similarly placed such persons as per the terms and conditions stipulated in the Scheme. The Authorities Competent are bound to follow the terms and conditions of the Scheme. While implementing such Welfare Scheme the eligible persons consider the claim equally without preference under extraneous consideration. All these, Welfare Schemes ought to be implemented for the welfare and for the benefit of the similarly placed persons. This, being the principle to be followed, mere submission of the representation by the petitioner will not confer any right for filing a writ petition and seeking the relief to consider the representation. Even for issuance of a writ to consider the representation, it is a precondition that the writ petitioner should establish a legal right. In the present writ petition, the writ petitioner has not established any semblance of right legally as such.

5.With these observations, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

KP

To

1.The District Collector,
Singaravellar Maligai,
Rajaji Salai,
Chennai District,
Chennai-600 001.

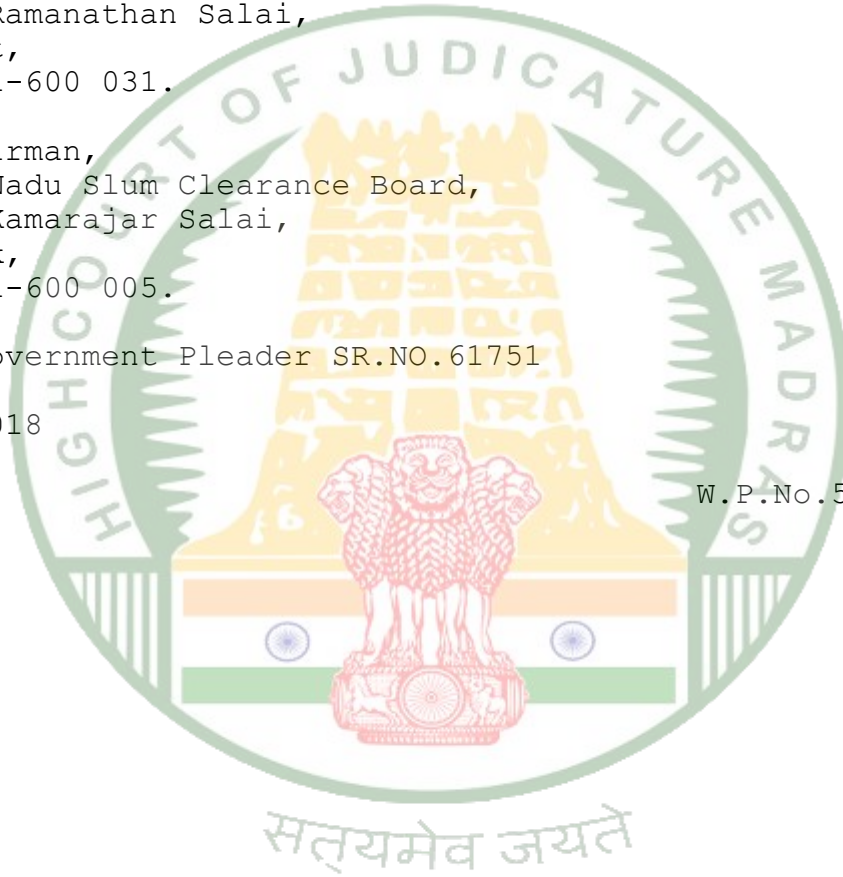
2.The Tahsildar,
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3.The Chairman,
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No.5, Kamarajar Salai,
Chepauk,
Chennai-600 005.

+1cc to Government Pleader SR.NO.61751

sm:27.9.2018

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