

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.10.2018

CORAM:
THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.4808 of 2011

R.Sridevi

.. Petitioner

Vs.

The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Salem Division,
Salem - 7.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent re-allot and hand over possession house existing in Door No.E-10, MIG-II, Andipatti Eri, Salem District to the petitioner by accepting the entire balance amount that has to pay by the petitioner within an appropriate time.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.S.Prabhu
Standing Counsel

O R D E R

Heard Mr.R.Nalliyappan, learned counsel for the petitioner; Mr.S.Prabhu, learned Standing Counsel for the respondent and perused the materials available on record.

2. This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondent to re-allot and hand over the house in Door No.E-10, MIG-II, Andipatti Eri, Salem District to the petitioner by accepting the entire balance amount that has to pay by the petitioner within an appropriate time.

3. It seems that in the year 2002, a MIG flat bearing Door No.E3, in Andipatti Eri, Salem District was allotted in favour of the petitioner. As per the Hire Purchase Agreement, the petitioner was also put in possession and the value of the flat was fixed at Rs.1,80,000/-.

4. According to the petitioner, she had already paid Rs.1,05,000/-, but subsequently due to unavoidable circumstances beyond her control, the installments could not be paid and hence, the respondent sealed the premises and taken the possession.

5. The learned counsel for the petitioner would argue that the petitioner is a poor lady and major part of the sale consideration was already paid to the respondent / Slum Clearance Board and since the respondent insisted the petitioner to pay entire balance amount in one instalment, she could not comply the condition and the respondent may be directed to consider the representation of the petitioner dated 12.02.2011.

6. The learned Standing Counsel for the respondent would state that there is no vacancy in the Scheme and if any vacancy arises, the respondent would consider the case of the petitioner in the Scheme or in the future Scheme.

7. In the light of the above submissions and the facts of this case, this Court without going into the merits of the case, directs the respondent to consider the representation of the petitioner dated 12.02.2011 and pass orders purely on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. There is no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rns

To

The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Salem Division,
Salem - 7.

+1cc to Mr.R.Nalliyappan,, Advocate, S.R.No.68211
+1cc to Mr.S.Prabhu,Advocate, S.R.No.68469

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rrs