

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.08.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 5847 of 2018
and WMP.No.7184 of 2018

1. S.Sarala
 2. K.Parameshwari
 3. P.Arivazhagan
 4. A.Saratha
- ...Petitioners

vs

1. The Government of Tamilnadu,
Represented by its Secretary,
Home Department
Fort Saint George,
Chennai - 600 009.
 2. The Managing Director,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 009
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ or order or direction or in the nature of WRIT OF MANDAMUS to direct the first and second respondents to allot the houses to the petitioners in Tamil nadu Slum Clearance buildings, Marina Thitta Pakudhi, Nochi Nagar, Mylapore, Chennai - 600 004.

For Petitioners : Mr. S.Satheeshkumar

For Respondents : M/s.A.Sri Jayanthi (Special Government Pleader for Respondent 1)

No appearance for Respondent 2

O R D E R

The grievance of the writ petitioner is that the respondents have not allotted House in favour of the writ petitioner in Tamil Nadu Slum Clearance Board building Marina Thitta Pakudhi, Nochi Nagar, Mylapore, Chennai-600 004, in spite of the fact that the writ petitioner is eligible for allotment. The relief sought for is to direct the respondents to allot the house. However, this Court cannot issue direction to allot the house and it is for the authorities to consider the seniority, eligibility and other criteria fixed for allotment and accordingly, granted allotment by following the Rules.

2. The learned counsel appearing for the petitioner made a submission that already this Court considered similar issues and passed an order in WP.No.21562 to 21564 of 2015 dated 02.03.2017. However, the observation made in the order has to be followed for the purpose of grant of allotment. In this view of the matter, the respondents are at liberty to consider the case of the writ petitioner based on the rules / allotment and the authorities competent are bound to follow the rules scrupulously without deviating the same.

3. The allotment of house in Tamil Nadu Slum Clearance Board must be granted equally to all the eligible persons. There cannot be any discrimination in respect of grant of house by the Slum Clearance Board. The claim of all the eligible candidates are to be considered without any discrimination. The authorities who are not following the rules in this regard are bound to face the disciplinary proceedings by the higher competent authorities.

4. Thus, this Court made it clear that the allotment of house in Tamil Nadu Slum Clearance Board are to be made based on the eligibility and based on the terms and conditions stipulated in the Rules. There cannot be any deviation or discrimination in respect of allotment of houses. These are all welfare schemes provided by the State for the benefit of poor people. Such benefits are to be granted equally to all the eligible candidates without any discrimination.

5. This being the principles to be followed, this Court is of an opinion that the case of the writ petitioner is also to be considered based on the eligibility and as per the rules in force. Thus, the writ petitioner is directed to submit the fresh application along with all necessary documents within a period of two weeks from the date of receipt of copy of this order and the respondents are directed to consider the case of the writ petitioner within a period of twelve weeks from the date of receipt of the representation to be submitted by the petitioner.

6. The writ petition stands disposed of. No costs.
Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

To

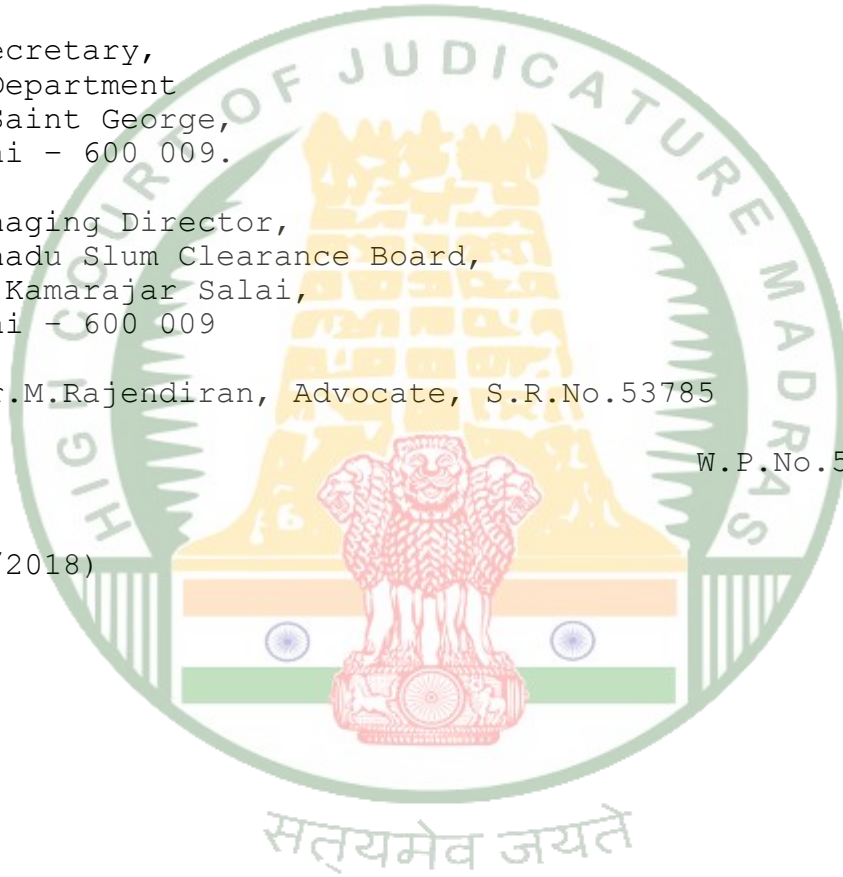
1. The Secretary,
Home Department
Fort Saint George,
Chennai - 600 009.

2. The Managing Director,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 009

+1cc to Mr.M.Rajendiran, Advocate, S.R.No.53785

W.P.No.5847 of 2017

SJ(CO)
GSP(31/08/2018)



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