

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.09.2018

CORAM

THE HON'BLE Mr. JUSTICE M.VENUGOPAL
and
THE HON'BLE Mrs. JUSTICE S.RAMATHILAGAM

W.P.No.21452 of 2018

L.Krishnaveni

.. Petitioner

Vs

1.The Estate Officer,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai,
Chennai - 600 005.

2.Kani

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF MANDAMUS directing the 1st Respondent to consider the representation of the petitioner dated 04.08.2018, and to dispose of the same.

For Petitioner : Mr.K.Vaithiyanathan

For 1st Respondent : Mr.M.Rajasekaran

For 2nd Respondent : Mr.T.M.Karthikeyan

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard the Learned Counsel for the Petitioner; Mr.M.Rajasekaran, Learned Counsel for the 1st Respondent and Mr.T.M.Karthikeyan, Learned Counsel for the 2nd Respondent. No counter is filed on behalf of the Respondents.

2.According to the Petitioner, she was allotted with the Plot bearing No.506 measuring an extent of 71 square meter by the 1st Respondent/Slum Clearance Board on 19.08.1997. she had paid the entire sale consideration. she is paying the property tax, water and sewage tax. Electricity connection is also provided to her property.

3.The Petitioner's stand is that the 2nd Respondent was allotted Plot No.4A Karunanithi 2nd Street, Periyar Nagar Area, Tharamani, Chennai - 600 113 by the 1st Respondent which is adjacent to her property. The 2nd Respondent, being her neighbour, is endeavouring to construct the compound wall by closing the common pathway between the Petitioner's plot and the 2nd Respondent's plot which leads to the parallel street. In this regard, the Petitioner had addressed a complaint before the Tharamani Police Station in CSR.No.139 of 2018 dated 08.07.2018 for the quarrel that in sued, when she opposed the construction of compound wall.

4.The grievance of the Petitioner is that she had addressed a representation dated 04.08.2018 to the 1st Respondent to remove the encroachment made by the 2nd Respondent. Since her representation dated 04.08.2018 is not yet disposed of by the 1st Respondent, the Petitioner has filed the instant Writ Petition before this Court.

5.Considering the fact that the Petitioner's representation dated 04.08.2018 is pending before the 1st Respondent wherein the Petitioner had clearly mentioned about the construction of compound wall by the 2nd Respondent, at this stage, this Court directs the 1st Respondent/Estate Officer, Tamil Nadu Slum Clearance Board, Chennai to look into the representation of the Petitioner dated 04.08.2018 within one week from the date of receipt of copy of this order. Thereafter, the 1st Respondent shall pass a reasoned speaking order on merits, of course, after affording an opportunity to the Petitioner as well as the 2nd Respondent and also putting the concerned parties on notice specifying the time and date of hearing and after taking into consideration of the pleas raised by the parties, the final order in the subject matter is to be passed within a period of four weeks thereafter.

6.With the aforesaid observations and directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Sgl

To
The Estate Officer,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai,
Chennai - 600 005.

+1cc to Mr.L.Chandrakumar, Advocate SR.NO.63392
+1cc to Mr.M.Raja Sekhar, Advocate SR.NO.63569

CA(CO)
sm:25.9.2018

W.P.No.21452 of 2018



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