

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.02.2018

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.2636 of 2018

- 1.Nirmala
- 2.Egavalli
- 3.Lalitha
- 4.Mariyappan
- 5.Raji
- 6.Anthony
- 7.Leema Rose
- 8.Mayakrishnan
- 9.Kamala
- 10.Bakkiyam
- 11.Savurimuthu
- 12.Rani
- 13.Arokiamary
- 14.Veerappan
- 15.Nithya
- 16.Auxilla Mary
- 17.Durgadevi
- 18.Viji
- 19.Amali Stella

...Petitioners

vs

- 1.The Union of India,
Rep. by its Secretary,
Ministry of Urban Development,
Nirman Bhavan,
Maulana Asad Road,
New Delhi 110 108.

(R1 deleted as per order dated 07.02.2018)

- 2.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Housing and Urban Development,
St.George Fort,
Chennai.

- 3.The Commissioner of Corporation,
Chennai Corporation,
Rippon Building,
Chennai.

4.The Chairman,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Triplicane,
Chennai 600 005.

5.The Assistant Engineer,
Chennai Corporation,
Ward:56, Unit:13, Mandalam:5,
Parrys, Chennai.

6.The District Collector,
Chennai.

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the respondents 3 and 4 herein to consider and pass orders to allot the appropriate tenement to the respective petitioners who had been provided the confirmation of provision of allotment through respective tokens with respective token numbers for all the petitioners, as the respective allotment or tenancy has been neglected by the respondent-3 and respondent-4 for all the petitioners.

For petitioner : Mr.J.Arokhiaraj

For Respondents : R1-Deleted
Mr.S.Soundarajan for R2 and R6
Mr.R.Sivakumar for R4
Mr.G.Anantharangan for R3 and R5

ORDER

Learned counsel for the petitioner seeks permission to delete the array of the first respondent by contending that they are not necessary party. Permission is granted. Accordingly, the first respondent is deleted from the array of the respondents.

2.Mr.S.Soundararajan, learned Government Advocate takes notice for respondents 2 and 6, Mr.G.Anantharangan, learned counsel takes notice for respondents 3 and 5 and Mr.R.Sivakumar, learned Advocate takes notice for the fourth respondent.

3.The petitioner seeks for a mandamus directing the respondents 3 and 4 to consider and pass orders to allot the appropriate tenement to the respective petitioners, who had been provided the confirmation of provision of allotment through respective token numbers.

4.The case of the petitioners is as follows:

All these petitioners were evacuated from their respective occupation by the third respondent with an assurance that they will be provided alternative tenement allotment. Accordingly, all these petitioners were provided with token numbers and therefore, the fourth respondent, based on such token numbers, has to provide the alternative tenement to the petitioners by issuing respective allotment orders. All these petitioners are oppressed Adi Dravidar Community people living on the platform for more than 20 years in Ward No.56, Division 13, Mandal 5 of Chennai Corporation and therefore, the fourth respondent has to immediately issue necessary orders allotting their respective alternative tenements.

5.Learned counsel appearing for the petitioners after reiterating the above contentions also invited this Court's attention to the order passed in W.P.No.41771 of 2016 dated 17.05.2017 in a similarly situated case, where the Commissioner of Corporation was directed to dispose of the pending recommendation made by the Executive Engineer therein and if the Commissioner of Corporation recommends allotment of tenements to the petitioners therein, the Tamilnadu Slum Clearance Board shall take necessary follow up action. After citing the above said order, the learned counsel further pointed out that in this case, the respective petitioners were already issued with token by the Corporation and therefore, it is only the Tamilnadu Slum Clearance Board, viz., the fourth respondent herein has to act based on such issuance of token.

6.Learned counsel appearing for the Chennai Corporation as well as the Tamilnadu Slum Clearance Board submitted before this Court that necessary action will be taken to look into the grievance of these petitioners, after due verification of their respective identity as well as the tokens issued in their favour.

7.Accordingly, this writ petition is disposed of, by directing the fourth respondent to consider the grievance of the petitioners and pass appropriate orders providing for alternative allotment of the respective tenements, after due verification of their respective claim. Such exercise shall be done by the fourth respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

vri

To

1.Rep. by its Secretary

The Union of India,
Ministry of Urban Development,
Nirman Bhavan,
Maulana Asad Road,
New Delhi 110 108.

2.Rep. by its Principal Secretary,

The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Housing and Urban Development,
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3.The Commissioner of Corporation,
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Chennai Corporation,
Ward:56, Unit:13, Mandalam:5,
Parrys, Chennai.

6.The District Collector,
Chennai.

W.P.No.2636 of 2018

+2 cc to MR.J.AROKHIA RAJ ADVOCATE SR.NO. 9254
+1 CC TO Government Pleader SR.NO. 9697
kk[co]
RD 17/02/2018