

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27993 of 2006

And

M.P.No.1 of 2006

Mrs.Arogya Mari

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Slum Clearance Board,
Chennai - 5.

2.The Executive Engineer,
TNSCB, Division-V,
Teynampet, Chennai - 18.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent in and by his proceeding in Na.Ka.No.P3/3445/06 dated 14.08.2006 regarding to Shop bearing No.'F' on the Western side having an extent of 100 sq.ft. in Sudandira Nagar Slum Clearance Board, Thousandlights, Chennai and quash the same.

For Petitioner : Mr.S.M.Pandiyan
For Respondents : Mr.R.Sivakumar

सत्यमेव जयते
O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the first respondent in his proceedings in Na.Ka.No.P3/3445/06 dated 14.08.2006 regarding Shop bearing No.'F' on the Western side having an extent of 100 sq.ft. in Sudandira Nagar Slum Clearance Board, Thousandlights, Chennai and to quash the same.

2.The case of the petitioner is that the petitioner was allotted one shop bearing No.'F' having an extent of 100 sq.ft. (10' X 10') under the Sudandira Nagar Slum Clearance Scheme on the Western side of the 'F' Block in Tamil Nadu Slum Clearance Board Tenements, Thousandlights, Chennai and was dealing with waste papers, plastic bottles and other scrap materials.

Whiles, the first respondent vide the impugned proceedings dated 14.08.2006 cancelled the allotment of shop. Aggrieved by the same, the petitioner has come forward with this writ petition.

3.The respondents have filed counter affidavit stating that as per Section 59 (1) of the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971, if any person is aggrieved by any notice, order or direction issued by the prescribed authority may within such time appeal to the Government. The petitioner without exhausting the statutory remedy has rushed to this Court which is not maintainable in law.

4.The learned counsel appearing for the petitioner submits that the petitioner has died in the year 2006 itself and the allotment made in favour of the deceased person is personal in nature. Hence, challenging the said notice has become infructuous. Even today, no legal heir of the petitioner have come forward to implead themselves to represent the estate of the petitioner.

5.In view of all the above, I do not find that anything would survive for adjudication in this writ petition. The writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

pri
To

1.The Managing Director,
Tamil Nadu Slum Clearance Board,
Chennai - 5.

2.The Executive Engineer,
TNSCB, Division-V,
Teynampet, Chennai - 18.

+ 1 cc to Mr. K.G.Vasudevan, Advocate SR.41652

W.P.No.27993 of 2006
And
M.P.No.1 of 2006

(CS-DR)
EU(13/07/2018)