

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition Nos.27359, 27363, 27181 and 27187 of 2018

Lakshmi	... Petitioner in W.P.No.27359 of 2018
Vivekanandhan	... Petitioner in W.P.No.27363 of 2018
Govindammal	... Petitioner in W.P.No.27181 of 2018
Anjali	... Petitioner in W.P.No.27187 of 2018

Vs.

- 1.The Government of Tamilnadu
rep. By its Secretary,
Revenue Department,
Fort St. George,
Chennai - 600 009
 2. The Managing Director,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005
 3. The District Collector,
District Collectorate,
Chennai
 4. The Executive Engineer,
Marina Re-Construction Division,
Tamilnadu Slum Clearance Board,
Chennai - 600 005
- ... Respondents

Writ Petitions have been filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the 2nd and 4th respondents to allot house forthwith to the petitioners in the Tamilnadu Slum Clearance Buildings, Marina Thittapakuthi, Nochi Nagar, under the Tsunami Rehabilitation Scheme on the basis of the assurance given by the 2nd respondent in the temporary allotment orders dated 26.05.2015 and 24.11.2010 respectively.

For Petitioners : Mr.K.Balakrishnan

For Respondents : Mr.J.Ramesh for R1 and R3
Additional Government Pleader

Mr.S.Prabhu Government Advocate for R2 and R4

C O M M O N O R D E R

The petitioners have come up with the present writ petitions for a mandamus directing the 2nd and 4th respondents to allot a house forthwith to the petitioners in the Tamilnadu Slum Clearance Buildings, Marina Thittapakuthi, Nochi Nagar, under the Tsunami Rehabilitation Scheme on the basis of the assurance given by the 2nd respondent in the temporary allotment order dated 26.05.2015.

2. When the matters are taken up for consideration, the learned counsel for the petitioners submitted that the issues involved herein have been elaborately dealt with by this Court in W.P.Nos.21562 to 21564 of 2015 dated 02.03.2017 and ultimately, it has been held as follows:

"7. It is evident from the above communication dated 02.02.2017 of the second respondent that the petitioners were originally in occupation of dwellings bearing numbers 188, 189 and 190 in Nochikuppam area and they were displaced due to Tsunami waves during the year 2004. In such view of the matter, it cannot be said that the petitioners are ineligible for being accommodated in the tenements constructed by the respondents. When the second respondent admitted that petitioners were in occupation of the dwellings bearing nos.188, 189 and 190 in Nochikuppam area, the respondents are bound to consider the claim of the petitioners. In such view of the matter, this Court is of the considered opinion that the respondents can reconsider the claim of the petitioners for allotment of houses in their favour after affording them an opportunity of hearing. The respondents also consider accommodating the petitioners in the accommodation which were originally allotted in favour of some persons and which were subsequently cancelled on the ground that they are ineligible for such allotment. Such an exercise can be carried out by the second respondent within a period of three months from the date of receipt of this order. The petitioners are also directed to produce all the documentary evidence in support of their claim for consideration of the second respondent

8. Accordingly, all the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed."

Therefore, the learned counsel prayed for a similar order in these Writ Petitions also, for which, the learned Counsel appearing for the respective respondents have no serious objection.

3. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the claim of the petitioner for allotment of house and pass appropriate orders on merits and in accordance with law in the light of the order dated 02.03.2017, after affording opportunity of personal hearing to the petitioners and all the necessary parties within a period of three months from the date of receipt of a copy of this order. It is open to the petitioners to produce all the documentary evidences in support of their claim for consideration.

4. Accordingly, these writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssd

To

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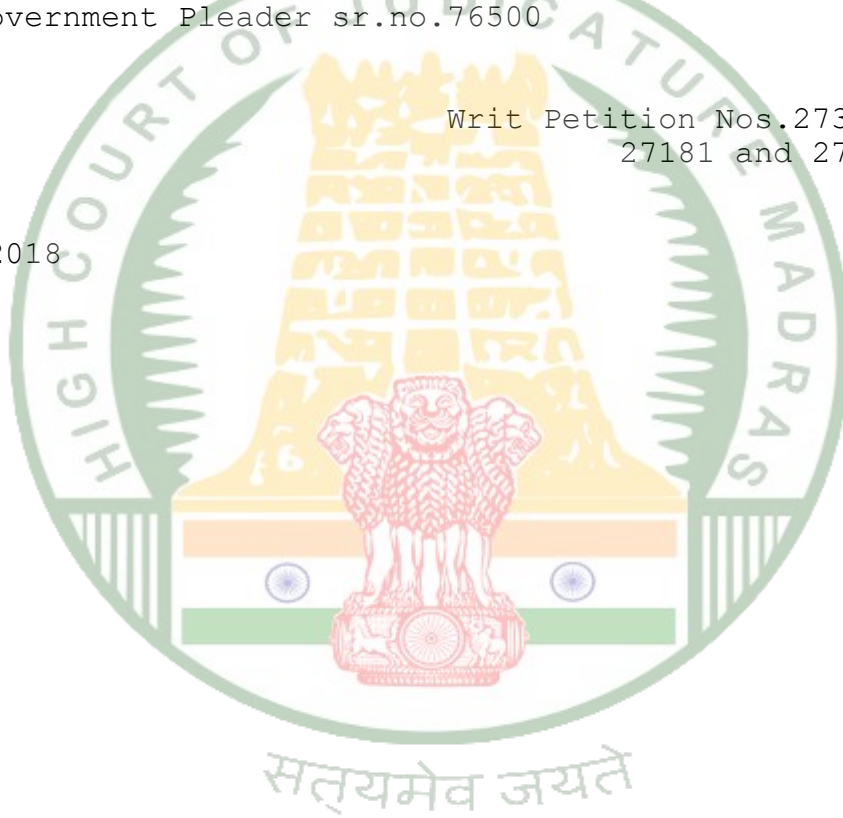
+3cc to Mr.K.Balakrishnan, Advocate sr.no.75948, 75949 & 75950

+1cc to Mr.K.Balakrishnan, Advocate sr.no.75951(05/12/2018)

+1cc to Government Pleader sr.no.76500

Writ Petition Nos.27359, 27363,
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mr(co)
nr 28/11/2018



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