

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.26991 of 2018

Jayakantha

..Petitioner

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 Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 2nd and 4th respondents to allot a house forthwith to the petitioner 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.

For Petitioner : Mr.K.Balakrishnan
For Respondents : Mr.B.Sundaramurthy
for R2 and R4
SCB
Mr.J.Ramesh for R1 and R3

O R D E R

The petitioner has come up with the present writ petition for a mandamus directing the 2nd and 4th respondents to allot a house forthwith to the petitioner 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 matter is taken up for consideration, the learned counsel for the petitioner submitted that the issue involved herein has 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 this Writ Petition 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 above referred, after affording opportunity of personal hearing to the petitioner and necessary parties within a period of three months from the date of receipt of a copy of this order. It is open to the petitioner to produce all the documentary evidence in support of his claim for consideration of the 2nd respondent.

4. Accordingly, this writ petition stands disposed of. No costs.
ssd

Sd/-

Assistant Registrar (CS IX)

//True copy//

Sub Assistant Registrar

To

1. The Secretary,
The Government of Tamilnadu
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

KR/20/11/18

Writ Petition No.26991 of 2018