

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.01.2019
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.38210 of 2004
And
W.P.M.P.No.383 of 2009

1.D.Krishna Moorthy
2.Mrs.Parvathi ..Petitioners

Vs

1.The Chairman,
Tamil Nadu Slum Clearance Board,
Kamaraj Salai, Chennai 5.

2.The Managing Director,
Tamil Nadu Slum Clearance Board,
Kamaraj Salai, Chennai 5.

3.The House Allotting Office,
Tamil Nadu Slum Clearance Board,
Kamaraj Salai, Chennai 5. ..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, directing the respondents to provide allotment of quarters at Nallan Kuppan at Saidapet or Tiruvottriyur to the petitioners within the time bound manner or in a stipulated time as may be fixed by this Hon'ble Court in the above writ petition.

For Petitioners : Mr.A.Thamizharasan
For Respondents : No Appearance

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to provide allotment of quarters at Nallan Kuppan at Saidapet or Tiruvottriyur to the writ petitioners, within the time bound manner.

2. The learned counsel appearing for the writ petitioners states that the first writ petitioner was originally allotted a house in the joint name along with his wife, the second writ petitioner herein, at No.421 at Power Kuppan II in proceedings dated 20.11.1997. In view of the fact that the said area is a fisher man area, there was an objection for taking over the possession by the writ petitioners. Though the writ petitioners informed the same to the respondents, the respondents have not taken action to allot any alternate house in other place. Subsequently, the allotment was cancelled, on account of the fact that the

writ petitioners have not take possession of the plot allotted. Thus, the writ petitioners are constrained to file the present writ petition, seeking allotment of quarters either in Saidapet or at Tiruvottriyur.

3. This Court is of the opinion that the writ petitioners were already allotted with the house at Power Kuppam II. Thus, any further allotments are to be made only with reference to the terms and conditions, if any, stipulated in the allotment order. The writ petitioners cannot claim allotment of a house as a matter of right. The allotment of a house by the Slum Clearance Board has to be made strictly in accordance with the Regulations in force. The cases of all the eligible persons, who all are aspiring to get allotment of houses from Slum Clearance Board, are to be considered with reference to their eligibility and as per the seniority or otherwise.

4. This being the principles to be followed, the present writ petition filed for a direction to grant allotment in a particular place can never be considered. It is left open to the writ petitioners to submit a fresh application if they are otherwise eligible in accordance with the Regulations and in the event of eligibility, the cases of the writ petitioners also shall be considered along with all other eligible persons by following the Rules in force.

5. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/--

Assistant Registrar(Co)

//True Copy//

Sub Assistant Registrar

vkr/svn

To

- 1.The Chairman,
Tamil Nadu Slum Clearance Board,
Kamaraj Salai, Chennai 5.
- 2.The Managing Director,
Tamil Nadu Slum Clearance Board,
Kamaraj Salai, Chennai 5.
- 3.The House Allotting Office,
Tamil Nadu Slum Clearance Board,
Kamaraj Salai, Chennai 5.

+1 CC TO GOVERNMENT PLEADER SR.NO.2751

+1cc to Mr. A.Prabhu, Advocate SR.No. 2856

W.P.No.38210 of 2004

A.SK(08/02/2019)