

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. 15843 of 2005
and
W.P.M.P. 17284 of 2005

V.T.C.Dhanaraj

... Petitioner

Versus

1. The Chairman,
Tamil Nadu Slum Clearance Board,
5, Kamarajar Salai,
Chennai-600 005.

2. The Estate Officer,
Estate Office-4,
Teynampet,
Chennai-600 018.

3. P.Elango,
S/o. Ponnusamy,
No.33, C4 Lee Royal Enclave,
Mambalam High Road,
T.Nagar, Chennai-600 017.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the 1st Respondent relating to impugned order dated 08.04.2005 made in Na.Ka.No.P2/17370/2000 and quash the same.

For Petitioner : Mr.S.Muthukumar
For Respondents : Mrs.D.Latha for R1

No appearance for R2

Mr.P.Anbarasan for R3

O R D E R

This Writ Petition has been filed challenging the order passed by the 1st respondent allotting Shop No. 6 at Ramakrishnapuram Slum Clearance Board Shopping complex in favour of 3rd respondent.

2. According to the petitioner, the above said shop was originally allotted to him. Now, without conducting any enquiry whatsoever, the allotment made in favour of the petitioner has been cancelled. Thereafter, the 1st respondent has leased out the shop in favour of 3rd respondent. Challenging the above said order, the petitioner has filed the present Writ Petition.

3. The 1st respondent filed a counter affidavit stating that in the year 1995, the shop No.6 was allotted to the petitioner, thereafter, he has sublet the shop to one Chandrasekaran, and committed default in payment of rent, various cheques issued by the petitioner as well as the lessee returned on the ground of insufficient funds. In the above circumstances, the allotment order issued in favour of the petitioner was cancelled in the year 1999 itself. Thereafter, the shop was allotted to 3rd respondent, and now, it is brought to the notice of the authority that the 3rd respondent has sold the property in favour of one Sathishkumar.

4. The learned counsel appearing for the Board would submit that now, the 3rd respondent has entered into an agreement to sell the property with a third party, and they are contemplating action against the 3rd respondent for selling the property against the order of allotment and bring the property for sale.

5. Considering the fact that the allotment order was cancelled in the year 1999 itself, and without challenging the order of cancelling the allotment, the petitioner only challenged the consequential order of allotting shop in favour of 3rd respondent, on this ground itself, this Writ Petition is liable to be dismissed. Accordingly, the present Writ Petition stands dismissed. No costs. Consequently, the Writ Petition Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Chairman,
Tamil Nadu Slum Clearance Board,
5, Kamarajar Salai,
Chennai-600 005.

2. The Estate Officer,
Estate Office-4,
Teynampet,
Chennai-600 018.

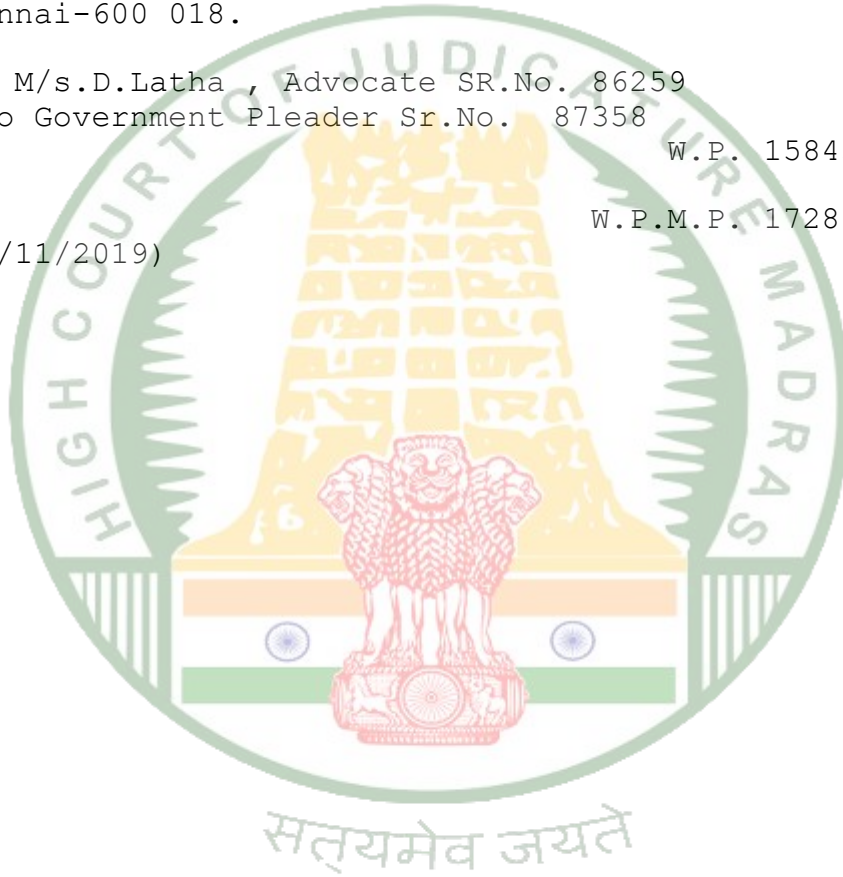
+1cc to M/s.D.Latha , Advocate SR.No. 86259

+1 cc to Government Pleader Sr.No. 87358

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A.SK(21/11/2019)



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