

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2019

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.4159 of 2019

N.Paramathma

..Petitioner

vs.

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai, Chepauk,
Chennai - 600 005.
2. The Superintending Engineer,
Chennai Special Circle - III,
Auto Nagar Scheme,
Tamil Nadu Slum Clearance Board,
Zone - IV,
Thandavaryan Pillai Chatram (T.P.Chatram)
Main Road, Chennai - 600 010.
3. The Executive Engineer,
Public Works Department,
Water Resource Organization,
Araniyar Basin Division,
Chennai - 600 005.

(R3 impleaded as per order dt.1.11.2019
made in W.M.P.31190/2019 in W.P.4159/2019
by PDAJ)

.. Respondents

Prayer: Writ Petition filed under Article 226 of The Constitution of India praying to issue Writ of Mandamus, directing the respondents herein to accept a sum of Rs.6,290/- in the form of Demand Draft to be drawn in favour of the 2nd respondent and include petitioner's name in the list published along with the order passed by the 1st respondent herein in Na.Ka.No.E8/9744/2013, dated 19.02.2018 and direct the respondents herein to allot a Plot Number to the petitioner in Auto Nagar Project at Survey No.1B Part, 30/A/3 in Singaperumal Koil, Aappur and Perumal thangal Village, Kancheepuram District as per the allotment order dated 21.01.2011.

For Petitioner :	Mr.S.Kumara Devan
For R1 and R2 :	Mr.S.Prabhu
For R3 :	Mrs.P.Rajalakshmi, Additional Government Pleader

O R D E R

This Writ Petition has been filed in the nature of a Writ of Mandamus seeking a direction to the respondents to accept a sum of Rs.6,290/- in the form of Demand Draft to be drawn in favour of the second respondent namely the Superintending Engineer, Chennai Special Circle - III, Auto Nagar Scheme, Tamil Nadu Slum Clearance Board, Zone-IV, Chennai -10 and thereafter, include the name of the petitioner in the list in the order of the first respondent namely the Managing Director, Tamil Nadu Slum Clearance Board, Chennai in the order Na.Ka.No.E8/9744/2013, dated 19.02.2018 and thereby, direct the respondents to allot the Plot to the petitioner in Auto Nagar Project at Singaperumal Koil in Kancheepuram District.

2. It is stated that in the land across the Coovam river, there were several Auto workshops. The land originally belonged to the Public Works Department. In view of that fact, by order of this Court, as the third respondent in the Writ, the Executive Engineer, P.W.D was impleaded by order dated 01.11.2019 in W.M.P.No.31190 of 2019.

3. The Public Works Department had leased out the land across the river Coovam to about 383 persons to river Auto Mechanic Shops. As time went by, 75 additional persons encroached into the land and also put up Auto mechanic shops along with the existing 383 lessee of Public Works Department.

4. Thereafter, the Government of Tamil Nadu announced a Coovam River Restoration Trust. A survey of the Auto Workshops was conducted. All the mechanic shops were enumerated. In that process shops were enumerated in that process, the shop of the petitioner was also listed as a shop existing across river Coovam. Therefore, an order was issued in the year 2011 namely on 21.01.2011 which was issued to the petitioner, recognizing that he has an Auto Mechanic Shop in that place.

5. By a subsequent order dated 17.08.2017, he was directed to deposit a sum of Rs.6,290/- by way of Demand Draft in favour of the second respondent. The time for furnishing such payment was till 01.09.2017. Unfortunately, the petitioner did not pay the said amount.

6. It is the contention of the learned counsel for the petitioner that since it was a free allotment, demand for payment of Rs.6,290/- was arbitrary and therefore, he did not pay the said amount. Since, he did not pay the said amount, the petitioner was overlooked when granting allotment of shops in Auto Nagar which was established in Singaperumal Koil, Kancheepuram District. But, that is not the only reason for

not granting the petitioner allotment in Auto Nagar at Singaperumal Koil. The primary reason was that he was identified as one of the 75 encroachers of the land and not one of the original lessees who were 383 in number. That was determined by a list forwarded by the Executive Engineer, W.R.D, Araniyar Basin Division, Chepauk, Chennai - 600 005 to the Chief Engineer, Tamil Nadu Slum Clearance Board, Chepauk, Chennai - 600 005 in Letter No.A2/F-Auto Nagar/Eviction/2017/dt.08.01.2018 .

7. In this letter, a communication was sent giving the list of the original lessees of the land across the river Coovam who were running the Auto work shops. The petitioner's name was not in the list of lessees. Therefore, he was not eligible for allotment of Plot at Auto Nagar, Singaperumal Koil, Kancheepuram District.

8. It is under these circumstances that the impugned order came to be passed on 19.02.2018. On 19.02.2018, the respondents refused to receive the payment of Rs.6,290/- which was tendered by a Demand Draft subsequently taken out by the petitioner.

9. Therefore, this Court cannot grant any relief to the petitioner. Consequently, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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Main Road, Chennai - 600 010.

3. The Executive Engineer,
Public Works Department,
Water Resource Organization,
Araniyar Basin Division,
Chennai - 600 005.

+1cc to Mr.S.Kumara devan, Advocate SR.104961
+1cc to Mr.S.Prabhu, Advocate SR.105529
+1cc to the Government Pleader SR.105329

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PA(CO)
CB(03/02/2020)



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