



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.07.2019
CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU
W.P. No. 6558 of 2018
and
W.M.P. No. 8150 of 2018

M.Ramamoorthy

..Petitioner

Vs.

1.State of Tamilnadu
Rep.by its Secretary to Government
Fort St. George, Chennai 9.

2.The Principal Secretary
Managing Director
Tamil Nadu Slum Clearance Board
No.5, Kamaraj Salai,
Chennai 600 005.

3.The Commissionerate for the Welfare of
Differently Abled
No.5, Kamarajar Salai
Lady Wellington College Campus,
Chennai 600 005.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the Second Respondent vide Na.Ka.No. G8/8316/2017 dated 15.06.2017 and quash the same and direct the respondent to allot a House at Perumbakkam Housing Scheme.

For Petitioner : Mr. P. Rajavel for
Mr. K. Ramesh

For Respondents : Mr. R. Venkatesh for R1 & R3
Government Advocate

Mr. B.S. Sundaramoorthi for R2

Mr. M. Karthikeyan
Additional Government Pleader
appointed as Amicus Curiae



O R D E R

Heard Mr. P. Rajesh for Mr. K. Ramesh, Learned Counsel for the Petitioner, Mr. R. Venkatesh, Learned Government Advocate appearing for the First and Third Respondents, Mr. B.S. Sundaramoorthi, Learned Counsel appearing for the Second Respondent and Mr. M. Karthikeyan, Learned Amicus Curiae and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who is a physically challenged person, had made a representation dated 08.05.2017 to the Third Respondent for allotment of house for him under the Perumbakkam Housing Scheme of the Second Respondent on preference for the physically challenged persons. The Second Respondent to whom the aforesaid representation was forwarded by the Third Respondent, by order Na. Ka. No. G8/8316/2017 dated 15.06.2017 rejected the same stating that only those affected by floods and removed from encroachments, who have been issued identity cards in the survey, were allotted residential flats in the Scheme, and that the claim of the Petitioner cannot be considered. Aggrieved thereby, the Petitioner has filed this Writ Petition.

3. When it was pointed out that in the absence of the Petitioner showing any provision for reservation of flats for physically challenged persons as claimed, it would not be possible to grant the relief claimed by the Petitioner, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition and he has made an endorsement to that effect, which is recorded.

4. Accordingly, the Writ Petition is dismissed as withdrawn. It is made clear that the Petitioner is not precluded from working out his remedies by seeking necessary relief before the competent forum in the manner recognized by law. No costs.

Sd/-
Assistant Registrar (CS-VI)

// True Copy//

Sub Assistant Registrar

dna/vjt.



To

1.The Secretary to Government
Fort St. George, Chennai 9.

2.The Principal Secretary
Managing Director
Tamil Nadu Slum Clearance Board
No.5, Kamaraj Salai,
Chennai 600 005.

3.The Commissionernate for the Welfare of
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No.5, Kamarajar Salai
Lady Wellington College Campus,
Chennai 600 005.

+1cc to Mr.B.S.Sundaramoorthi, Advocate, SR.No.61700.
+1cc to Mr.K.Ramesh, Advocate, SR.No.62171.
+1cc to Government Pleader, SR.No.62340

W.P. No. 6558 of 2018

VD(CO)
CSR: 09.01.2020