

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.38681 to 38683 of 2016
and W.M.P.Nos.33135 to 33137 of 2016

P. Vijayalakshmi ... Petitioner
in W.P.No.38681 of 2016

P. Durga ... Petitioner
in W.P.No.38682 of 2016

N.Vasanthi ... Petitioner
in W.P.No.38683 of 2016

Vs.

1. The Principal Secretary-cum-Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Triplicane, Chennai - 5.
2. The Commissioner of Corporation,
Chennai Corporation,
Rippon Building, Chennai - 2. ... Respondents in all W.Ps.

PRAYER in all W.Ps.: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pending on the file of the 1st respondent in his proceedings Na.Ka.No.G9/9079/2015, dated 29.06.2016 and quash the same as null and void and consequently, direct the 2nd respondent to recommend the petitioner name for grant of alternative accommodation and direct the 1st respondent to grant the petitioner alternative accommodation at Chemmanchery or any other place within the city of Chennai.

For Petitioners
in all W.Ps. : Mr.S.Venkatesh

For 1st Respondent
in all W.Ps. : Mr.B.Kesavan, Standing Counsel

For 2nd Respondent
in all W.Ps. : Mr. Anantha Rangan
Standing Counsel

C O M M O N O R D E R

These Writ Petitions have been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records pending on the file of the 1st respondent in his proceedings Na.Ka.No.G9/9079/2015, dated 29.06.2016, quash the same as null and void and consequently, direct the 2nd respondent to recommend the name of the petitioners for grant of alternative accommodations and direct the 1st respondent to grant the petitioners alternative accommodations at Chemmanchery or any other place within the city of Chennai.

2. According to the petitioners, they are living in Radhakrishnapuram, Raja Annamalaipuram, Chennai - 28. It is stated that all the petitioners are working as servant maids in the nearby houses and their husbands are working as Coolies. During the year 2015, the City of Chennai witnessed heavy rain fall and unexpected floods, as a result, their houses, which were situated very close to the canal were washed out and the petitioners and their families were left without roof. It appears that the same was enumerated by the 2nd respondent-Corporation, during which time, the petitioners were at work. Therefore, their names could not be taken by the 2nd respondent. Other neighbors, who were also placed in the similar situation, were given alternative accommodations.

3. After various representations made by the petitioners and also the Mandamus issued by this Court, the impugned order was passed stating that unless the 2nd respondent recommends that the petitioners are entitled for alternative accommodation, the Tamil Nadu Slum Clearance Board cannot allot them houses.

4. In the Counter Affidavit filed by the Corporation, it is stated that bio-metric system was adopted for relocation of the residents. As stated above, admittedly, the petitioners were not aware of the bio-metric recording. The learned counsel appearing for the Corporation submitted that if the petitioners are able to produce appropriate documents to show that they were living in the canal side, the same can be appropriately considered and recommended to the first respondent-Tamil Nadu Slum Clearance Board for allotment of the houses. The learned counsel also stated that such an enquiry is to be conducted by the Executive Engineer, Zonal - IX, Corporation of Chennai.

5. In view of the above, the petitioners are directed to produce all the proof of residence before the said officer and on verification, if everything is in order, the Executive Engineer shall recommend for alternative accommodations to the Tamil Nadu Slum Clearance Board within a period of four weeks from the date of receipt of a copy of this order. The copy of the said recommendation shall be forwarded to the Slum Clearance Board as well as the petitioners. The Tamil Nadu Slum Clearance Board is directed to give alternative accommodations to the petitioners within a period of four weeks thereafter.

With the above directions, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1. The Principal Secretary-cum-Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Triplicane, Chennai - 5.
2. The Commissioner of Corporation,
Chennai Corporation,
Rippon Building, Chennai - 2.

+1 CC to Mr.B.Kesavan,Advocate sr 40201.

+1 CC to Mr.S.Venkatesh Advocate sr 40210.

W.P.Nos.38681 to 38683 of 2016
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SVI(CO)
SP(10/06/2019)

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