

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.03.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.6173 of 2016

and

W.M.P.Nos.5514 & 5515 of 2016

M.Mythili

.. Petitioner

Vs.

1.The District Collector,
Collectors' Office,
Ma Singaravelar Maligai,
Chennai - 600 001.

2.The Tamil Nadu Slum Clearance Board,
Rep. by its the Managing Director,
No.5, Kamarajar Salai,
Chennai - 600 005.

.. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in Na.Ka.No.G6/3492/2015 and quash the impugned order dated 16.09.2015 as highly illegal and unconstitutional and further direct the respondents to allot a residential apartment in the proposed building that is presently under construction at Nochchi Nagar, Chennai - 600 094 to the petitioner considering her representations dated 06.11.2014 and 18.12.2014.

For Petitioner : Ms.Karthikaa Ashok

For R1 : Mr.N.Inbanathan
Additional Government Pleader

For R2 : Mr.I.Sathish

O R D E R

The writ petition has been filed to quash the impugned order passed by the second respondent in Na.Ka.No.G6/3492/2015 dated 16.09.2015 and further direct the respondents to allot a residential apartment in the proposed building that is presently under construction at Nochchi Nagar, Chennai - 600 094 to the

petitioner by considering her representations dated 06.11.2014 and 18.12.2014.

2. The petitioner, who is the mother of two children, had been dislocated during Tsunami High Tides on 26.12.2004, as their dwelling house got affected and were left homeless. The Revenue authorities during that time had bio-metric identification of the affected persons and had given temporary residence, in which, she is living till today. Whereas, the second respondent has constructed multi storied apartments at the Tsunami affected residential zone. Though her biometric identification is there and her name was found place at Sl.No.119, she was not allotted or given any accommodation. All her representations in this regard also were rejected. Hence, she has moved this Court, challenging the order of rejection.

3. Heard the learned counsel appearing on both sides.

4. In paragraph 6 of the counter affidavit, the second respondent has stated that the second respondent board decided to construct a new residential houses at Tsunami affected residential zone of Nochikuppam hamlet by getting financial aid from the Revenue Department. Further, it is submitted that the petitioner's name finds place in the list of eligible persons to get their residential houses at Okkiyam Thuraipakkam and now, houses in the said Okkiyam Thuraipakkam are occupied and there is no vacancy. In paragraph 8 of the counter affidavit, it is stated that those who are not allotted residential houses will be considered at the proposed construction of 1188 houses, which is being constructed at Marina Loop Road under the Prime Minister's (PMAY - AHP) Scheme. The petitioner's name is already in the bio-metric list and she has not yet been allotted house. Admittedly, she deserves to be allotted a house in the above 1188 houses being constructed.

5. The learned counsel appearing for the second respondent/TNSC Board submitted that if the petitioner makes an application, the same may be considered.

6. However, when it is admitted that the petitioner is eligible for a house, as her bio-metric details are already available in the list and she has also not been allotted any alternate house, she has to be allotted a residential house in the proposed construction of Marina Loop Road. Therefore, the second respondent is directed to allot a house to the petitioner on priority basis, even without insisting on an application, based on the bio-metric identification taken earlier, without further delay as and when the construction is completed.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

rsi

To

1.The District Collector,
Collectors' Office,
Ma Singaravelar Maligai,
Chennai - 600 001.

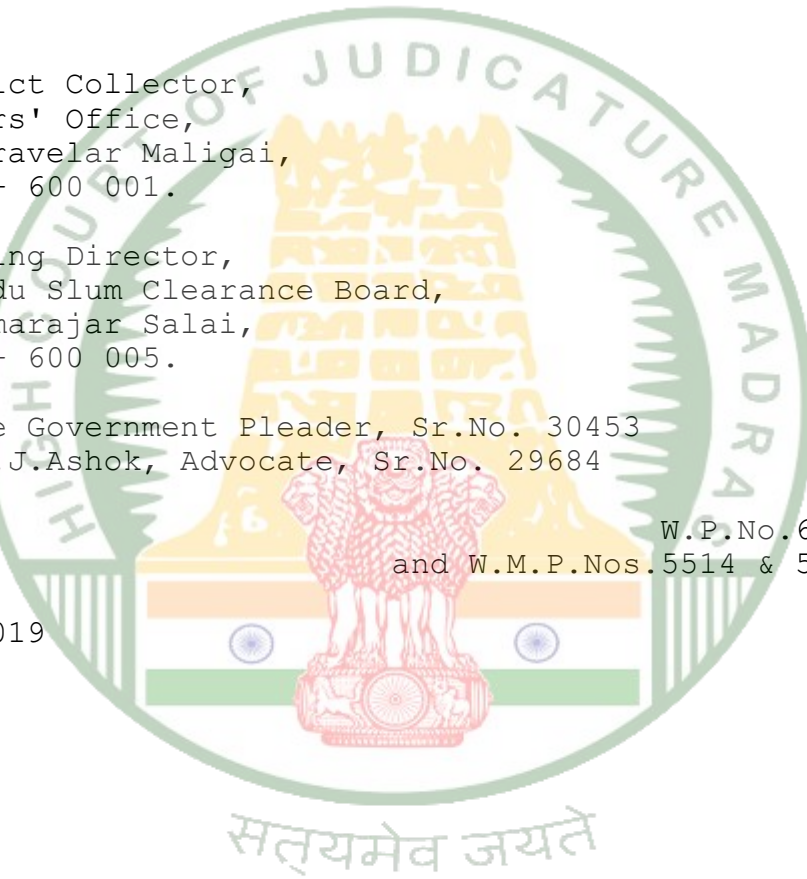
2.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

+1 cc to The Government Pleader, Sr.No. 30453

+1 cc to Mr.J.Ashok, Advocate, Sr.No. 29684

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NRL(CO)
CSL/03.05.2019



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