

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.09.2019

PRONOUNCED ON : 12.09.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.25539 of 2019 and
W.M.P.Nos.25069 and 26264 of 2019

R.Easwara Moorthy

... Petitioner

Vs

1.The District Collector,
Erode District,
Erode.

2.The Revenue Divisional Officer,
Erode,
Erode District.

3.The Tahsildhar,
Modakkurichi Taluk,
Erode District.

4.The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Tiruppur Division,
NO.118, Third Street,
Sakthi Nagar,
Boyampalayam Pirivu,
Tiruppur - 641 602.

... Respondents

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India for a writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 08.03.2019 made in Na.Ka.No.1604/2019/A1 passed by the first respondent and to quash the same, consequently direct the respondents to exempt the land of Kalam Poromboke in Survey No.187/2 to an extent of 0.30.0 hectare and 188/2 to an extent of 0.14.5 hectare totally mesuring to an extent of 0.44.5 hectare situate at Nanjai Uthukuli Village, Modakkurichi Taluk, Erode District for construction Tamil Nadu Slum Clearance Board buildings.

For Petitioner :Mr.C.Prabakaran
For Respondents 1 to 3 :Mr.K.Ravikumar,
Additional Government Pleader
For 4th Respondent :Mr.S.Prabhu, Standing Counsel

ORDER

Challenging the order passed by the first respondent granting enter upon permission to put up slum clearance tenements in Re.S.Nos.187/2 and 188/2 at Uthukuli Village, Modakkurichi Taluk, Erode District, the petitioner herein is before this Court by way of this writ petition.

2.The grievance of the petitioner is that, the said land is used as 'Kalam' by the villagers for centuries and it is now been proposed to be converted into slum clearance tenements. Hence, the villagers like petitioner are grossly affected. Specifically, the petitioner contends that, no notice or personal hearing was afforded to the public, before such conversion.

3.The perusal of the order passed by the first respondent which is impugned in the writ petition reveals that, it is an enter upon permission granted to Slum Clearance Board by the District Collector after publication in the village on 21.01.2019. No public objected the proposed. After due enquiry, ascertaining that there is no ancient building; places of religious worship and burial ground in the proposed area, the 'Kalam' poromboke land has been proposed to be converted and assigned to the Slum Clearance Board, on certain condition.

4.The petitioner contends that, he along with the Villagers on 10.07.2019, has made serious objection for the said conversion since, it will deprive their livelihood. The said representation dated 10.07.2019 not been considered by the respondents.

5.On hearing the learned counsel for the petitioner and perusal of the affidavit along with the impugned order, though, the impugned order says that publication was made in the village regarding the proposal, the villagers in the signed representation dated 10.07.2019, has specifically stated that no opportunity was given to them regarding the proposal of conversion. Therefore, it is suffice to direct the first respondent herein to consider the representation of the petitioner and other villagers dated 10.07.2019 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Erode District,
Erode.

2.The Revenue Divisional Officer,
Erode,
Erode District.

3.The Tahsildhar,
Modakkurichi Taluk,
Erode District.

4.The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Tiruppur Division,
NO.118, Third Street,
Sakthi Nagar,
Boyampalayam Pirivu,
Tiruppur - 641 602.

+1cc to Mr.C.Prabakaran, Advocate SR.77978
+1cc to Mr.K.Ravikumar, Advocate SR.79058
+1cc to Mr.S.Prabhu, Advocate SR.77521
+1cc to the Government Pleader SR.78460,79329

सत्यमेव जयते

delivery Order made in
W.P.No.25539 of 2019

BR(CO)
CB(01/11/2019)

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