

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.03.2020

CORAM
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.Nos.1617 & 1620 of 2020

Saraswathi
W/o Narayanan

... Petitioner in W.P.No.1617/2020

Renuka
W/o Vijaya Kumar

... Petitioner in W.P.No.1620/2020

vs

1. The Chairman,
Tamilnadu Slum Clearance Board,
Kamarajar Salai, Chennai - 600 005.

2. The Estate Officer,
Tamil Nadu Slum Clearance Board,
No.212, Ramakrishna Mutt Road,
Mylapore,
Chennai - 600 004. ... Respondents in both the W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the 2nd respondent to survey and identify the petitioners' property situated at Plot No.147, Thanthai Periyar Nagar Part II, Taramani, Chennai - 600 113 & Plot No.146, Thanthai Periyar Nagar Part II, Taramani, Chennai - 600 113 respectively.

For Petitioners : Ms.D.Aruna
For Respondents : Mr.S.Prabhu,
Standing Counsel for R1&2

COMMON ORDER

Both these writ petitions are filed seeking for a Mandamus to direct the 2nd respondent to survey and identify the respective petitioner's property situated at Plot Nos.146 & 147, Thanthai Periyar Nagar Part II, Taramani, Chennai - 600 113.

2. Heard both sides.

3. The grievance of the respective petitioners is that even though they were allotted their respective plots situated in the above said property, the respondents have not conducted survey and identified the petitioners' property, since they are lying in the midst of vast extent of land.

4. Learned Standing Counsel appearing for the Slum Clearance Board submitted that there is no dispute to the fact that those plots were allotted to these petitioners, however, while undertaking action to survey and identify the plots, the Board may face some obstruction from the third parties. Therefore, he apprehends some law and order problem, if the survey is conducted.

5. I do not think that it could be a reason for not surveying and identifying the petitioners' property, especially, when there is no dispute with regard to the allotment made in their favour and that they are entitled to take possession of the property. If at all any obstruction is made, it is always open to the Slum Clearance Board to seek for police protection for doing such survey.

5. Therefore, the Writ Petitions are disposed of by directing the 2nd respondent to survey and identify the petitioners' respective property situated at Plot Nos.146 & 147, Thanthai Periyar Nagar Part II, Taramani, Chennai - 600 113. Such exercise shall be done by the 2nd respondent within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

vsi

To

1. The Chairman,
Tamilnadu Slum Clearance Board,
Kamarajar Salai, Chennai - 600 005.

2. The Estate Officer,
Tamil Nadu Slum Clearance Board,
No.212, Ramakrishna Mutt Road,
Mylapore, Chennai - 600 004.

+2ccs to M/s.D.Aruna, Advocate, SR.No.18301, 18300.
+1cc to Mr.S.Prabhu, Advocate, SR.No.18403.

W.P.Nos. 1617 & 1620 of 2020

GP(CO)
CSR: 03/03/2020