

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.27246 of 2014
and M.P.No.1 of 2014

C.Mani

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Petitioner

Vs

1.Tamil Nadu Slum Clearance Board,
Rep. by its Chairman,
Kamarajar Salai,
Triplicane,
Chennai - 5.

2.The Tahsildar,
Egmore-Nungambakkam Taluk Office,
Chennai - 600 031.

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Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to consider and dispose of the petitioner's representation dated 11.06.2007 within a time limit.

For Petitioner : Mr.T.S.Baskaran

For R1 : Mr.R.V.Babu

For R2 : Mrs.K.Bhuvaneswari,
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus to direct the second respondent to consider the petitioner's representation dated 11.06.2007 within a time limit to be fixed by this Court.

2. It is the case of the petitioner that he is in possession of the property at No.288/4, New No.26, Nehru Park, Tamil Nadu Slum Clearance Tenements backside for the past 37 years. It is his case that the property tax for the aforementioned property has been assessed only in his favour. It is also his case that he has been paying the other amenities viz., Electricity and Metro Water charges. It is his case that on 11.06.2007, he gave a representation to the second respondent requesting them to issue a patta for his property. It is also his case that a similar representation was given by him on 24.05.2013 as well as on 07.10.2014. According to him, the said representations have not been considered by the respondents and patta has not been issued in his favour. But according to the petitioner, he has been informed by the officials of the first respondent that he is an encroacher and he is liable to be evicted from his house.

3. It is also stated in the affidavit filed in support of the writ petition that the petitioner has also filed a suit in O.S. No.4223 of 1997 on the file of VIII Assistant Judge, City Civil Court, Chennai and obtained an order of injunction against the first respondent in I.A. No.11627 of 1997. Since, the representations of the petitioner for the grant of patta for his house have not been considered, this writ petition has been filed.

4. Heard Mr.T.S.Baskaran, learned counsel for the petitioner, Mr.R.V.Babu, learned Standing Counsel for the first respondent and Ms.K.Bhuvaneswari, learned Additional Government Pleader appearing for the second respondent.

Discussion :

5. It is seen from the typed set of papers, the petitioner has filed the receipt for payment of urban land tax dated 10.10.1994, water and sewerage tax payment card for the period 2010-2014 and also a receipt for payment of the property tax, dated 13.12.2013. The petitioner claims that he is in possession of the property for more than 37 years. It is his case that he is entitled for a patta to be issued in his favour by the first respondent. Admittedly, the representations, dated 11.06.2007, 24.05.2013 and 07.10.2014 have not been considered by the respondents, till date.

6. For the foregoing reasons, this Court is inclined to grant an order, directing the respondents to consider and dispose of the petitioner's latest representation dated 07.10.2014 requesting for grant of patta in respect of house situated at No.288/4, New No.26, Nehru Park, Tamil Nadu Slum

Clearance Tenements backside, within a period of 12 weeks from the date of receipt of a copy of this order, after giving sufficient opportunity to the petitioner as well as other necessary parties if any to place all their submissions as well as documents in support of their respective contentions.

7. With the aforesaid directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi2

To

1.The Chairman,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai,
Triplicane,
Chennai - 5.

2.The Tahsildar,
Egmore-Nungambakkam Taluk Office,
Chennai - 600 031.

+1cc to Government Pleader SR.NO. 8556
+1cc to Mr.R.V.Babu, Advocate sr.8075
+1cc to Mr.T.S.Baskaran, Advocate sr.7356

W.P. No.27246 of 2014

nm(co)
nr 12/02/2020

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