

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.27469 of 2019

Mr.Hameed Basha
S/o.Kavus Basha,
Rep by his Power of Attorney, Mr.E.Kumar,
Door No.179, D Street,
J.J.Nagar, Korukkupet,
Chennai - 600 021.Petitioner

..Vs..

- 1.The Tamil Nadu Slum Clearance Board,
Rep by its Managing Director,
No.5, Kamarajar Street,
Chennai - 600 005.
- 2.Executive Engineer,
Division - 1, Tamil Nadu Slum Clearance Board,
Tondaiyarpur,
Chennai - 600 081.
- 3.The Commissioner,
Corporation of Chennai,
Chennai - 600 003.
- 4.Assistant Engineer,
Corporation of Chennai,
Division No.4,
Korrukupet, Chennai - 600 021.Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents 1 and 2 to consider the Petitioner's representation dated 26.10.2018, seeking allotment of the rest rooms, situated adjacent to the property of the Petitioner at Door No.179, D street, J.J.Nagar, Korukkupet, Chennai - 600 021, in favour of the petitioner.

For Petitioner : Mr.Mohan
for S.Seenuvasan

For Respondents : Mr.R.Govindasamy
for R1 and R2
Mr.G.Anantha Rangan
for R3 and R4

O R D E R

Petitioner has come up with this writ petition seeking a direction to Respondents 1 and 2 to consider his representation dated 26.10.2018, with respect to allotment of rest rooms, situated adjacent to his Door No.179, D Street, J.J.Nagar, Korukkupet, Chennai - 600 021 to him.

2.In the Affidavit accompanying this petition, it has been stated that the petitioner viz., Hammed Basha who is represented in this Writ Petition by his Power of Attorney Mr.E.Kumar has been in occupation of plot No.179, D Street, J.J.Nagar, Korukkupet, Chennai - 600 021. His mother viz., Sulthan Bee had been allowed to use the said property, by an order of the first respondent namely the Tamil Nadu Slum Clearance Board dated 13.10.1992 vide Na.Ka.No.14610 of 1992/E1. It is stated that adjacent to the said property, pay and use Toilets have been constructed for public use. Since there was stagnation of water and sewerage, the Toilets were not used by the general public.

3.In the counter filed by the first and the second respondents namely, the Tamil nadu Slum Clearance Board, it has also been stated that, the public toilets/septic tanks are in unusable condition and have also been encroached partially by the nearest allottees.

4.Heard Mr.T.Mohan for Mr.S.Seenuvasan, learned counsel for the petitioner, Mr.R.Govindhasamy, learned counsel appearing for the First and Second Respondents and Mr.G.Anantharangan, learned counsel appearing for the Third and Fourth Respondents.

5.It is a fact that adjacent to Door No.179, D Street, J.J.Nagar, Korukkupet, rest rooms were originally used as public toilets. Owing to stagnation of water and sewerage, they were not subsequently used by the public. Taking law in their hands, adjacent allottees have encroached over the said rest rooms, which were adjacent to their properties.

***6.**The petitioner has sought permission of this Court to utilize the rest rooms adjacent to his property and has also made a representation dated 26.10.2018 to the Respondents in this regard. This Court directs the

Respondents herein to conduct a physical enquiry of the property in question and the adjacent Toilets which are now in unused condition, and after hearing the petitioner or his Power of Attorney, allot the space of the Toilet to the petitioner by fixing rent as per the market value. The said exercise shall be completed on or before 31.03.2020.

7.The Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar (CS-VI)
Dated : 19/02/2020

***Deleted and Substituted as per order this Court dated 26/02/2020 made herein**

Sd/-
Assistant Registrar (CS-VI)
Dated : 16/03/2020

// True Copy//

Sub Assistant Registrar

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To

**To be substituted the order
already despatched on
25/02/2020**

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

2.The Executive Engineer,
Division - 1,
Tamil Nadu Slum Clearance Board,
Tondaiyarpur,
Chennai - 600 081.

3.The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

4.The Assistant Engineer,
Corporation of Chennai,
Division No.4,
Korrukupet, Chennai - 600 021.

***+2cc to Mr.K.R.Arun Sabari, Advocate, SR.No.17890.**

+1cc to Mr.S.Prabhu, Advocate, SR.No.*17323.

W.P.No.27469 of 2019

VSNII(CO)
CSR: 20.02.2020
GMV (17/03/2020)



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