

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.35760 of 2019

and

W.M.P.No.36664 of 2019

S.Gunasekar

.. Petitioner

..Vs..

1. The Assistant Secretary (Housing)  
Tamil Nadu Slum Clearance Board,,  
Division-03,  
S.V.M. Nagar, VYasarpadi,  
Chennai-600 039.

2. The Estate Officer,  
Estate Office-5,  
Tamil Nadu Slum Clearance Board,  
T.P.Chatram,  
Chennai-600 010.

3. Nandhakumar

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 05.03.2019.

For Petitioner : Mr.S.D.S.Phillip

For Respondents: Mr.S.Prabhu for R1 and R2

O R D E R

Mr.S.Prabhu, learned counsel takes notice for respondents 1 and 2. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 05.03.2019.

3.The case of the petitioner is that he is the son of allottee of the Tamil Nadu Slum Clearance Board at No.64 R.K.Puram (T.N.S.C.B.), Purasawalkam, Chennai-600 007. It is stated that during the life time of the original allottee, the allottee and his relatives joined together and sold the said property to the third respondent/Nandhakumar, who is now residing in the said plot No. No.64 R.K.Puram (T.N.S.C.B.), Purasawalkam, Chennai-600 007. However, now, the petitioner herein appears to claim right over the said property. On 08.01.2019 the second respondent called the petitioner for enquiry with all necessary documents. On 10.02.2019, the petitioner appeared and enquiry was conducted, however, till date orders have not been passed. In this connection, the petitioner gave a representation dated 05.03.2019 to the first respondent. Till date, his representation has not been considered by them. Hence, the present writ petition is filed.

4. The learned counsel appearing for the petitioner would submit that this Court may issue directions to the first respondent to dispose of the representation dated 05.03.2019 and pass orders.

5. Mr.Prabhu, learned counsel appearing for the respondents conceded to the limited request made by the learned counsel for the petitioner.

6. Without expressing any opinion on merits of the case and considering the limited request made by the learned counsel for the petitioner, this Court directs the first respondent to issue notice to all necessary parties including the petitioner and the third respondent and to conduct further enquiry. The petitioner and the third respondent are directed to produce all relevant documents before the first respondent. After considering the documents, the first respondent may pass appropriate orders on or before 31.03.2020. In the first instance, the first respondent may issue a notice for the appearance of the petitioner and the third respondent.

7. With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

To

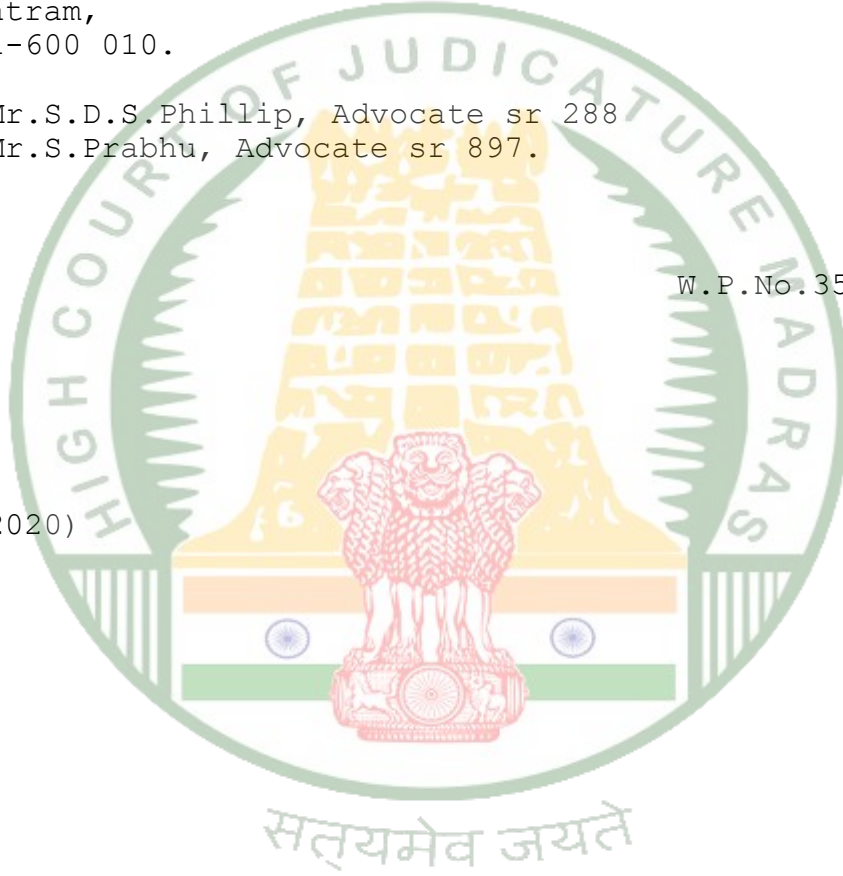
1. The Assistant Secretary (Housing)  
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S.V.M. Nagar, VYasarpadi,  
Chennai-600 039.

2. The Estate Officer,  
Estate Office-5,  
Tamil Nadu Slum Clearance Board,  
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+1 CC to Mr.S.D.S.Phillip, Advocate sr 288  
+1 CC to Mr.S.Prabhu, Advocate sr 897.

W.P.No.35760 of 2019

VGI (CO)  
SP (07/02/2020)



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