



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.18220 of 2020

(Through the Video Conferencing)

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M.Uma

... Petitioner

Vs

1.The Chairman cum Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai, Ayothiya Nagar, Triplicane,
Chennai-600 005.

2.The Executive Engineer,
Madurai Division, Tamil Nadu Slum Clearance Board,
No.169, K.K.Nagar Main Road, Madurai-20.

3.The District Collector,
Collectorate, Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to allot the slum house to the petitioner at Panchayat Board Colony, Avaniyapuram, Madurai District, under the Pradhan Mantri Awas Yojana Scheme, by considering the petitioner's representation dated 25.11.2020 made by the petitioner.

For Petitioner : Mr.I.Pinaygash

For R-1 & R-2 : Mr.M.Mahendran
Standing Counsel

For R-3 : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to allot slum house to the petitioner at Panchayat Board Colony, Avaniyapuram, Madurai District, under the Pradhan Mantri Awas Yojana Scheme, by considering the petitioner's representation dated 25.11.2020, within time frame to be fixed by this Court.

2. Mr.M.Mahendran, learned Standing counsel accepts notice for the respondents 1 and 2 and Mr.A.Muthukaruppan, learned Additional Government Pleader, accepts notice for the third respondent.



3. Heard Mr.I.Pinaygash, learned counsel for the petitioner, Mr.M.Mahendran, learned Standing counsel for the respondents 1 and 2 and Mr.A.Muthukaruppan, learned Additional Government Pleader for the third respondent.

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4. It is the case of the petitioner that she is a slum dweller and she has submitted an application on 25.11.2020 with the respondents seeking for allotment of house under the Pradhan Mantri Awas Yojana Scheme at Panchayat Board Colony, Avaniyapuram, Madurai District. According to the petitioner, the existing house in which the petitioner and her family are staying, is likely to be demolished on the ground that it is in a dilapidated condition. Therefore, according to her, she will become homeless and therefore, she has submitted the aforesaid representation under the Pradhan Mantri Awas Yojana Scheme. According to her, the said representation has not been considered by the respondents till date. In such circumstances, this Writ Petition has been filed.

5. The relief sought for by the petitioner in this Writ Petition is an innocuous relief. No prejudice will be caused to the respondents if the said relief is granted.

6. The petitioner has given a representation seeking for allotment of house under the Pradhan Mantri Awas Yojana Scheme. It is also the case of the petitioner that the roof of her existing house is covered by Asbestos sheet and it is in a dilapidated condition and may fall on its own during the rainy season and therefore, she may become homeless. According to her, there is an urgency for allotment of a house in her favour in the aforementioned scheme.

7. After giving due consideration to the aforementioned factors, this Court is of the considered view that no prejudice will be caused to the respondents, if the petitioner's representation dated 25.11.2020 for allotment of house under the Pradhan Mantri Awas Yojana Scheme is considered, by the third respondent, on merits and in accordance with law.

8. For the foregoing reasons, this Court directs the third respondent to consider the petitioner's representation dated 25.11.2020, seeking for allotment of a slum house to the petitioner at Panchayat Board Colony, Avaniyapuram, Madurai District, under the Pradhan Mantri Awas Yojana Scheme and pass final orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of copy of this order.



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9. With the aforesaid direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

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/ /2020

Sub Assistant Registrar (CS)

tsg

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To
The District Collector,
Collectorate, Madurai District.

+1 CC to Mr.P.MAHENDRAN, Advocate (SR-25213[F] dated 11/12/2020)

+1 CC to SGP (SR-25433[F] dated 14/12/2020)

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PU (CO)

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