

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 04.02.2021  
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.2362 of 2021

Desapitah Mahatma Gandhi  
LIG Residential Welfare Association,  
Kanagam represented by its Secretary,  
N.Kanagappan

... Petitioner

Vs

1. The Secretary to Government of Tamil Nadu,  
Housing and Urban Development Department,  
Secretariat, Chennai - 600 009.
2. The Managing Director,  
No.5, Kamarajar Salai,  
Near Vivekananda House,  
Ayothiya Nagar, Triplicane,  
Chennai - 600 005.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the second respondent to consider the representation dated 04.01.2021 of the Petitioner Association.

For petitioner .... Mr.R.Ramachandran  
For Respondents .... Mr.V.Prabhu  
Government Advocate

ORDER

Heard Mr.R.Ramachandran, learned counsel for the petitioner and Mr.V.Prabhu, learned Government Advocate appearing for the respondents.

2. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

3. This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to consider the petitioner's representation, dated 04.01.2021 and pass final orders within a time frame to be fixed by this Court.

4. The petitioner's Association claims that they are representing the interest of the residents of TNSCB Colony,

Kanagam, Chennai - 600 113. According to them, their members were allotted LIG Housing flats by the second respondent in the year 1998 and they have also paid the sale consideration and got sale deeds in their names. According to the petitioner, due to the dilapidated condition of the building, the respondents are proposing to demolish the building and construct a new one. The petitioner has given a representation on 04.01.2021 to the respondents requesting them to allocate flats to their members in the same area where the members of the petitioner's association are presently residing. In the representation, they have expressed their difficulties for vacating the premises as according to him, their livelihood will be affected. They have made several requests and submitted the representation dated 04.01.2021 to the respondents. Since the said representation, dated 04.01.2021 has not been considered till date, this writ petition this writ petition has been filed.

5. Mr.V.Prabhu, learned Government Advocate, on instructions would submit that the respondents are willing to consider the petitioner's representation, dated 04.01.2021, within a time frame to be fixed by this Court.

6. Admittedly, according to the petitioner, due to the dilapidated condition of the building, the respondents are proposing to demolish the building and construct a new one. The petitioner's claim that their members are residents of the said building for the past 22 years. They have given a representation on 04.01.2021 requesting the respondents to accommodate their members in the same Kanagayam, Taramani area and not to be relocated elsewhere as it will affect their livelihood. Admittedly, the said representation has not been considered till date. No prejudice will be caused to the respondents if the representation of the petitioner's association is considered on merits and in accordance with law.

7. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 04.01.2021 requesting for allotment of flats in the same Kanagam, Taramani area in lieu of flats, where the members of the petitioner's Association are presently residing viz., TNSCB Colony, Kanagam, Chennai - 600 113 and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar

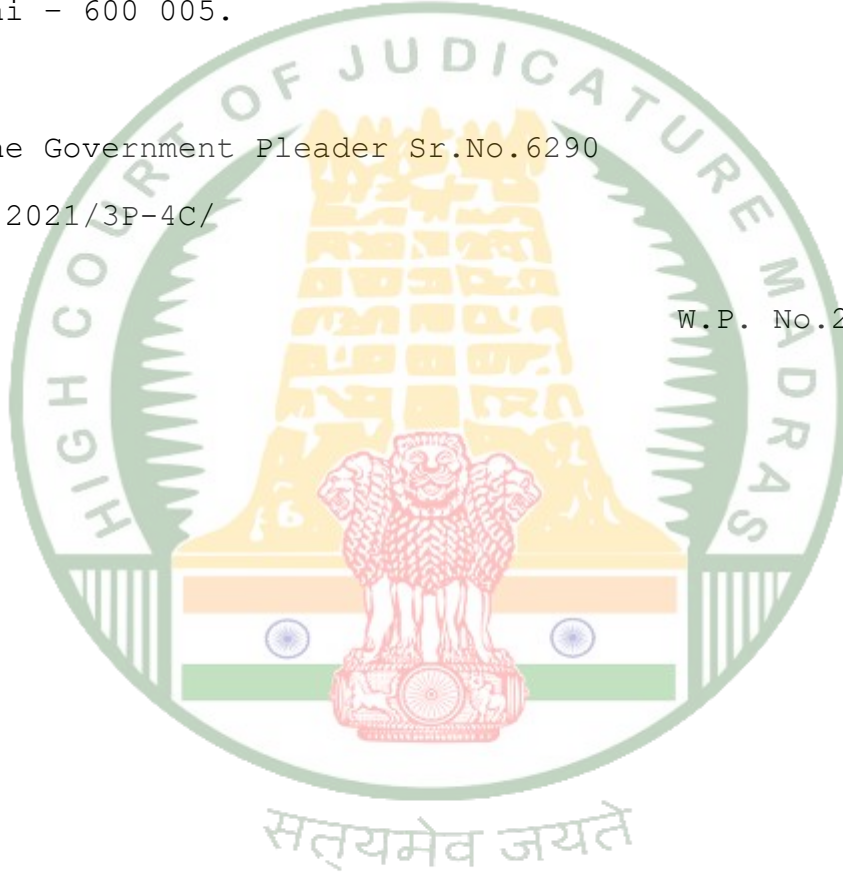
To

1. The Secretary to Government of Tamil Nadu,  
Housing and Urban Development Department,  
Secretariat, Chennai - 600 009.
2. The Managing Director,  
T.N. Slum Clearance Board,  
No.5, Kamarajar Salai,  
Near Vivekananda House,  
Ayothiya Nagar, Triplicane,  
Chennai - 600 005.

+1cc to The Government Pleader Sr.No.6290

AKM/26.02.2021/3P-4C/

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04.02.2021



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