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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-12-2021

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.17619 of 2013

And

MP Nos.1 to 3 of 2013

K.Selvaraj

.. Petitioner

vs.

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

2. K.Radhakrishnan

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records from first respondent-Chairman, Slum Clearance Board bearing No.21600/G2/89 dated 22.07.1989 in respect of allotment of No.3 in C Block, Raja Muthiapuram, Chennai-28, quash the same and direct the first respondent to re-allot the said tenement No.3 in C Block, Raja Muthiapuram, Chennai-28 in favour of the petitioner.

For Petitioner : Mr.G.Ramachandran

For Respondent R1 : Mr.R.Sivakumar

R2 : Mr.C.V.Subramanian

O R D E R

The allotment order issued by the first respondent-Slum Clearance Board in favour of the second respondent in proceedings dated 22.07.1989, is under challenge in the present writ petition.

2. The allotment order, which is impugned, reveals



that the allotment was made in favour of the second respondent Mr.K. Radhakrishnan. However, the petitioner is none other than the brother of the second respondent, claiming right in respect of the allotted house.

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3. The petitioner submitted an application for transfer of name in respect of the allotment made in favour of the second respondent and the said transfer was not effected by the Authorities. Thus, the petitioner is constrained to move the present writ petition.

4. This Court is of the considered opinion that the second respondent was the original allottee and the allotment order was issued in the year 1989. However, the petitioner filed the present writ petition in the year 2013, i.e., after a lapse of about 24 years from the date of allotment and under these circumstances, the present writ petition is liable to be rejected on the ground of laches.

5. The learned counsel appearing on behalf of the first respondent-Slum Clearance Board made a submission that the petitioner had originally given 'No Objection Certificate' for the purpose of grant of allotment in favour of the second respondent. Thus, the petitioner has no right to seek any re-transfer and if at all such re-transfers are to be made, appropriate consent letter must be obtained from all stakeholders.

6. It is brought to the notice of this Court that the civil suit is also pending and it is for the parties to adjudicate the issue in the said suit in the manner known to law. However, the petitioner filed the present writ petition at this length of time, cannot be entertained, as it was filed after a lapse of about 24 years from the date of passing of the impugned order.

7. Accordingly, the writ petition stands dismissed both on the grounds of laches and on merits. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

Svn



To

The Chairman,
Tamil Nadu Slum Clearance Board,
Rajaji Salai,
Chennai - 5.

+lcc to M/s.C.V.Subramanian, Advocate, S.R.No.68859

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AJS (CO)
SU (05/01/2022)