

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.02.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.26033 of 2013
and
M.P.No.1 of 2013

Padmapriya

...

Petitioner

Vs

1. The Chairman and Special Duty Officer,
(Relief and Rehabilitation),
Project Director,
Emergency Tsunami Relief and
Rehabilitation Project, (State Level)),
5th Floor, Ezhilagam Annexe, Chepauk,
Chennai 600 005.
2. The Chairman - Secretary,
Tsunami Beneficiaries Grievance Committee,
(Board Level),
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai 600 005.
3. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai 600 005

...

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the records relating to the order of rejection passed in Proc.No.ROC/EAP/2055/2012 dated 10.07.2013 on the file of the first respondent quash the same and direct the respondents to include the name of the petitioner in the list of eligible persons and to allot a tenement in the Nochinagar area (ETRP-Marina Housing Project).

For petitioner

... Mr.V.Elangovan

For respondent-1

... Mr.V.Shanmugasundar,
Spl.Govt.Pleader

For respondents 2 & 3

... Mrs.D.Latha

ORDER

This Writ Petition has been filed challenging the order dated 10.07.2013 passed by the first respondent rejecting the request of the petitioner for allotment of tenement.

2. The first respondent has rejected the petitioner's request for allotment of tenement on the ground that her name is included in the list of ineligible persons for Tsunami houses under the Tsunami Rehabilitation Scheme. The first respondent has also rejected the petitioner's request for allotment of a tenement on the ground that a tenement has already been allotted to the petitioner's relative one Udayakumar, S/o.Nelson under the Tsunami Rehabilitation Scheme.

3. Heard Mr.V.Elangovan, learned counsel for the petitioner, Mr.V.Shanmugasundar, learned Special Government Pleader for the respondent-1 and Mrs.D.Latha, learned counsel for the respondents 2 and 3.

4. The learned counsel for the petitioner drew the attention of this Court to an order dated 08.03.2013 passed by the first respondent cancelling the allotment made to Udayakumari, W/o.Nelson. Hence, according to him, as on date no tenement has been allotted to either the petitioner or her relative, Udayakumari, as alleged in the impugned order.

5. The learned counsel for the petitioner, on instructions, would submit that the petitioner is prepared to give a fresh representation to the respondents seeking for allotment of a tenement under the Tsunami Housing Rehabilitation Scheme of the first respondent on the ground that a tenement made by the first respondent to Tmt.Udayakumari has now been cancelled by the first respondent under its order dated 08.03.2013.

6. The learned counsel appearing for the respondents has also not raised any serious objection for the request made by the learned counsel for the petitioner.

7. The learned counsel for the petitioner has submitted that the petitioner is an eligible person entitled for allotment of a tenement under the Tsunami Housing Rehabilitation Scheme of the first respondent and he has also submitted that all the relevant documents required for the petitioner's entitlement were also placed by the petitioner before the first respondent earlier. However, according to him, those documents were not considered by the first respondent while passing the impugned order. The petitioner has filed the following documents in the

typed set of papers filed by him along with this writ petition namely (a) Voter's ID of the petitioner's husband, (b) Voter ID of the petitioner, (c) Certificate issued by the Tahsildar, and (d) List No.4.

8. As seen from the impugned order, all the above mentioned documents have not been considered by the first respondent. Therefore this Court is of the considered view that the impugned order has been passed by the first respondent by total non application of mind to the above mentioned documents. Hence, the impugned order will have to be necessarily quashed and the matter remanded back to the first respondent for fresh consideration.

9. In the result, the impugned order passed by the first respondent is hereby quashed. The petitioner is directed to give a fresh representation to the first respondent seeking for allotment of a tenement at Nochikuppam, in the light of the cancellation of the earlier tenement allotted to Udayakumari by the first respondent and on receipt of the said representation, the first respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of 12 weeks from the date of receipt of a copy of this order.

10. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

srn

To

1. The Chairman and Special Duty Officer,
(Relief and Rehabilitation),
Project Director,
Emergency Tsunami Relief and
Rehabilitation Project, (State Level)),
5th Floor, Ezhilagam Annexe, Chepauk,
Chennai 600 005.

2. The Chairman - Secretary,
Tsunami Beneficiaries Grievance Committee,
(Board Level),
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai 600 005.

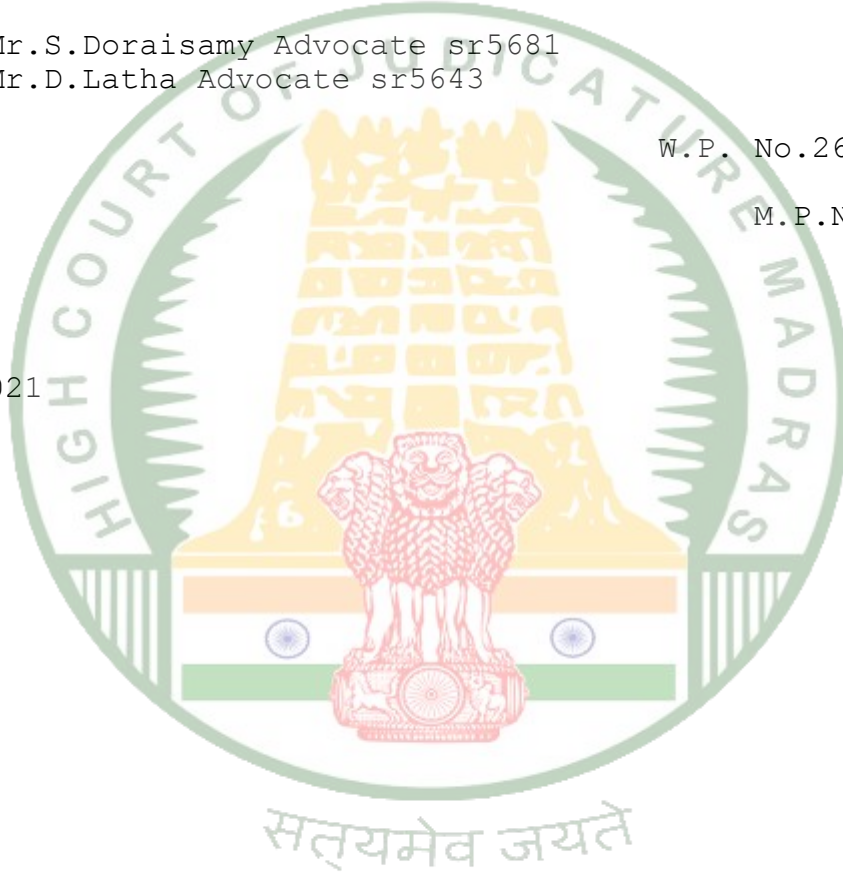
3. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai 600 005

+1 cc to Mr.S.Doraisamy Advocate sr5681

+1 cc to Mr.D.Latha Advocate sr5643

W.P. No.26033 of 2013
and
M.P.No.1 of 2013

kk(co)
aa25/02/2021



WEB COPY