



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.27326 of 2015

South Indian Public Welfare Association,
Rep. by its Kancheepuram East District,
Secretary K.S.Srinivasan,
No.18, Bharathidasan,
1st Street, Pallikkaranaï,
Chennai - 600 100.

...Petitioner

Vs.

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Tahsildhar,
Sholinganallur Taluk,
Kancheepuram District.
- 3.The Executive Engineer,
Tamil Nadu Slum Clearance Board,
JNURM Division, Semmencherry,
Chennai- 600005.
- 4.The Tamil Nadu Slum Clearance Board,
Rep. by its Managing Director,
Kamarajar Salai,
Chennai - 600005.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 3rd respondent dated 02.06.2015 in Na.Ka.No.12/A2/J.Ne.Dhe.Na.Puthi. Ko.1/2015 and again by the impugned order passed in Se.Mu.No.12/A2/J.Ne.Dhe.Na.Puthi.Ko 1/2015 dated 09.06.2015 by the same 3rd respondent and letter dated 24.06.2015 by the same 3rd respondent in his letter Na.Ka.No.12/A2/Chennai Sirabbu Kottam 1/2015 and quash the same and by directing the respondent to allot flats to the 148 persons.



For Petitioner : Mr. Chrishtopher Kishore Vincent
for M/s.Vincent and Vincent

For Respondents 1 & 2 : Mr.T.Venkatesh Kumar
Special Government Pleader

For Respondents 3 & 4 : Mrs.D.Latha.

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O R D E R

The order impugned dated 09.06.2015 passed by the 3rd respondent reveals that the petitioner, Association has submitted an application for allotment of a tenement under Tamil Nadu Urban Habitat Development Board (Slum Clearance Board). The said application for allotment was not taken into consideration by the authorities and the writ petitioner earlier filed an Writ Petition in W.P.No.225 of 2015 and this Court passed an order on 03.02.2015, directing the authorities to consider the application.

2. Pursuant to the directions issued, the authorities considered the application submitted by the Writ Petitioner. However, the authorities found that the petitioner has not submitted the relevant documents enabling them to consider the case. Accordingly, they rejected the application on the ground that they were not in a position to consider the claim of the Writ Petitioner. The said order is under challenge in the present Writ Petition.

3. The learned counsel for the Petitioner states that the petitioner has produced all the relevant documents to the authorities and they have not considered the same.

4. However, the learned counsel for the respondents made a submission that the petitioner has to get a letter / recommendation from the District Collector and submit the same along with all the relevant documents and thereafter, the authorities will consider the application. Thus, it is made clear that there is no infirmity as such in respect of the order passed by the 3rd respondent. However, the petitioner is at liberty to submit all necessary documents including the letter / recommendation from the District Collector enabling the authorities of the Slum Clearance Board to consider the application of the petitioner. Only in the event of the receipt of all necessary documents the application of the petitioner has to be considered.

5. Further, the Writ Petitioner is South Indian Public Welfare Association. Association cannot submit a common application for allotment of tenements under the Tamil Nadu Slum Clearance Board by submitting an common application. Even, the association cannot maintain the Writ Petition on behalf of the 148 members, who are bound to submit their application in their individual capacity.



6. Thus, the Writ Petition itself is not entertainable. However, members of the association are at liberty to submit their individual application in the prescribed format along with all the necessary documents including the letters / recommendations from the District Collector or otherwise. In the event of submitting the application along with all necessary document, their cases have to be considered strictly in accordance with the rules and procedures in force.

7. With these observations, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Tahsildhar,
Sholinganallur Taluk,
Kancheepuram District.
- 3.The Executive Engineer,
Tamil Nadu Slum Clearance Board,
JNURM Division, Semmencherry,
Chennai- 600005.
- 4.The Managing Director,
The Tamil Nadu Slum Clearance Board,
Kamarajar Salai,
Chennai - 600005.

+1cc to M/s.Vincent & Vincent, Advocate SR. No.65129
+1cc to M/s.D.Latha, Advocate SR. No.65034

W.P.No.27326 of 2015

SMI (CO)
PR (22/12/2021)