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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.Nos.30069 & 30074 of 2012
and
M.P.Nos.1 of 2012 & 1 of 2013 (2)

N.Karuna ...Petitioner in W.P.No.30069/2012

K.Raja ...Petitioner in W.P.No.30074/2012

Vs.

1.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600005.

...Respondent in both the W.Ps

Prayer in W.P.No.30069 of 2012 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating in proceedings in Pa.Mu.Ka.No.12557/M5/2012 on the file of the respondent dated 05.10.2012 quash the same.

Prayer in W.P.No.30074 of 2012 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating in proceedings in Pa.Mu.Ka.No.12391/M5/2012 on the file of the respondent dated 31.08.2012 quash the same.

For Petitioner : Mr. V.Elangovan
For Respondent : Mr.R.Sivakumar

C O M M O N O R D E R

The Order impugned dated 05.10.2012 and 31.08.2012, respectively, reveals that the case of the petitioners were to taken into consideration for the purpose of extending the benefit of Tsunami House scheme. The authorities has considered various facts and circumstances and they declined to accept the



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claim of the petitioners. The grievance of the Writ Petitioners is that no opportunity of personal hearing was provided to them, as the petitioners do not possess any property and they are further eligible to get free house under the Tsunami House Scheme.

2. Tsunami affected areas were identified by the competent authorities, the damages caused were also assessed and welfare schemes were introduced for the benefit of the people who lost their houses, belongings etc,. The scheme was implemented by formulating terms and conditions. Such Welfare schemes are to be implemented strictly in accordance with the terms and conditions as well as by following the rules in force.

3. However, the scope of interference by the High Court in such welfare schemes are undoubtedly limited. The petitioners claim that they are entitled for house under the Tsunami House Scheme. The authorities examined the claim by the petitioners and rejected the same.

4. The learned counsel for the petitioners would submit that opportunity of personal hearing must be given for implementation of such free Government Schemes or welfare schemes. Only if the documents and facts and circumstances are satisfactory in tune with the terms and conditions, then only the eligibility would arise.

5. Even for ascertaining eligibility, no personal hearing needs to be provided for all the victims and the same would not serve any purpose. Only in case of a right, the question of providing personal hearing or opportunity would arise. In the absence of any right, no such hearing is required. It is not as if in each and every circumstances personal hearing must be provided to such victims. Therefore, the eligibility criteria is of paramount importance and once the respondent found that the petitioners are not eligible under the scheme, then question of providing any personal hearing would not arise at all.

6. The learned counsel for the petitioners made a submission that in similar circumstances, this Court has directed the petitioner to give a fresh representation and based on that, the authorities were directed to consider the case on merits and in accordance with law.

7. Such a general direction would provide another cause for the litigants, which would lead to multiplicity of proceedings. Even to issue a direction to consider the



representation, the petitioners are bound to establish their right. Only in the event of establishing a legal right, any such direction may be issued by the High Court under Article 226 of the Constitution of India. It is not as if the High Court can issue direction to consider the representation on merits in a routine manner, which leads to multiplicity of proceedings and provide a new cause to the litigants after a lapse of many years.

8. In view of the fact that the petitioners are not entitled to avail free house under the Tsunami House scheme, they may submit an application under the general scheme, if any, introduced by the Government. If any such application is filed, the authorities have to consider the same based on the existing scheme and based on the eligibility criteria or otherwise. However, the relief as it sought for cannot be granted.

9. Accordingly, the Writ Petitions stand dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

shr/kan
To

1.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600005.

+2 CC to Mr.S.Doraisamy, Advocate sr 64567, 64568.

W.P.Nos.30069 & 30074 of 2012

BS (CO)
SP(27/12/2021)