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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.09.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No. 32440 of 2012

Gnanamary

.. Petitioner

Vs

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai, Chepauk,
Chennai - 600 005.
2. The Secretary
Tamil Nadu Slum Clearance Board,
Chennai - 600 005.
3. The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Thiyagaraja Road,
Teynampet, Chennai - 600 018.
4. The Secretary,
Pachaiappas Trust, Pachaiappas College Compound,
Chennai.
5. Kanniyappan
6. The Member Secretary,
Chennai Metropolitan Development,
Authority, Egmore,
Chennai - 600 008.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of declaration declaring that the action of the first to third respondents in sub dividing the Plot No.10 as 10A is illegal and null and void and also direct the respondents to issue patta to the petitioner in respect of entire Plot No.10, Pycrofts Road, Teynampet, Chennai - 18.



For Petitioner : Mr.R.Sankara Subbu
For Respondents : Mr.P.B.Balaji for R5
No Appearance for R1 to R4 and R6

O R D E R

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The relief sought for in the present Writ Petition is to declare that the action of the first to third respondents in subdividing the Plot No.10 as 10A is illegal and null and void and also direct the respondents to issue patta to the petitioner in respect of entire Plot No.10, Pycrofts Road, Teynampet, Chennai - 18.

2. The petitioner states that the house bearing Door No.10, Pycrofts Nagar, Teynampet, Chennai - 18 originally belonged to Pachaiyappa's Trust Board and it was transferred to Tamil Nadu Slum Clearance Board, Chennai for allotment of flats to the persons who all are in possession of the flats. The petitioner states that herself and husband along with the family were in possession of Plot No.10, Pycrofts Nagar, Teynampet, Chennai even prior to 1955. When it was under the control of Pachaiyappa's Trust Board, rent was paid to the Pachaiyappa's Trust. After taking over of the property by the Slum Clearance Board, the property was sub divided and the petitioner raised an objection that such an issue is illegal.

3. The fifth respondent filed a counter stating that the Slum Clearance Board act in accordance with the rules and regulations and there is no infirmity as such.

4. This Court is of the considered opinion that the relief sought for require an adjudication of disputed issues. This Court cannot conduct an enquiry in respect of the subdivision of property with reference to the scheme in force. The facts stated by the petitioner requires adjudication and the sub division effected is also to be taken into consideration and the authorities competent are bound to adjudicate the disputed issues between the parties. Admittedly, the petitioner is not the absolute owner of the property.

5. The petitioner herself states that the property belonged to the Pachaiyappa's Trust Board and subsequently, handed over to the Tamil Nadu Slum Clearance Board . Thus, the allotment is to be made strictly in accordance with the scheme or regulation formulated for the purpose of grant of allotment. This being the factum, the first to third respondents are directed to conduct an enquiry with reference to the documents and evidences available and by affording an opportunity to all the parties and take a decision and pass appropriate orders as expeditiously as possible.



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6. With these directions, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

RAP/vji

To

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Chennai - 600 005.
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Chennai - 600 005.
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EV(CO)
CB(22/10/2021)