

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.26430 of 2016 and
W.M.P. Nos.22640 & 22641 of 2016

Anna Makkal Nala Sangam, Perumpakkam

Rep. by the President

V.Chinnaiah

Perumbakkam Village

Sholinganallur Taluk

Kancheepuram District

... Petitioner

Vs.

1.The District Collector

Kancheepuram District

Kancheepuram

2.The Tahsildar

Sholinganallur Taluk

Kancheepuram District

3.Tamil Nadu Slum Clearance Board

Rep. by the Managing Director

No.5, Kamaraj Salai

Chennai - 600 005

4.The Superintending Engineer

Division-2

Tamil Nadu Slum Clearance Board

Semmancherry, Chennai - 199

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records of the impugned order in Na. Ka. No.G9/4424/2015 dated 28.05.2016 passed by the 3rd respondent and quash the same and consequently direct the third respondent to issue allotment order of tenements to remaining 63 persons in Perumbakkam Scheme based on the petitioner's representation dated 22.06.2016 by considering that they were residing for the past 2 decades and evicted from their premises in Nookampalayam, Anna Street, Nethaji Nagar, Muthamizh Nagar, Krishnaveni Nager comes under Ward No.3 of Perumbakkam Panchayat, Sholinganallur Taluk, Kancheepuram District.

For Petitioner : Mr.M.Rajendiran
For Respondents : Mr.B.Anand,
Govt. Advocate for R1 & R2
Ms.D.Latha for R3 & R4

O R D E R

The petitioner is Anna Makkal Nala Sangam, which is challenging the order passed by the third respondent in Na. Ka. No.G9/4424/2015 dated 28.05.2016 and quash the same.

2. The petitioner states that there are about 147 members, who are all residing in various places in Nookampalayam, Anna Street, Nethaji Nagar, Muthamizh Nagar, Krishnaveni Nagar in Ward No.3 of Perumbakkam Panchayat, Sholinganallur Taluk, Kancheepuram District. All the members are said to have occupied small areas of poramboke land for more than 16 years in Survey Nos.536 to 538 of Perumbakkam village.

3. In the earlier writ petition in W.P. No.776/2010, this court had observed that the encroachers in Survey Nos.536 and 537, who are found to be eligible, will be given accommodation in the newly constructed tenements, thereby protecting interest of the members of the Sangam.

4. The present impugned order was passed on 28.05.2016, while making allotments pursuant to the direction of this court in writ petition No.30463/2016, in which, this court had directed the petitioner, namely the very same Sangam, to give a detailed representation to the respondents 3 and 4 herein by enclosing necessary documents and directed them to consider the same after giving them opportunity, and allot tenements to those persons, who are found to be eligible. Pursuant to the same, the respondents have conducted an enquiry and that out of 147 members in the list, after verifying the documents, 84 people were found to be eligible and were given allotment in Perumbakkam scheme. For the balance 63 persons, who are residing in different addresses, the respondents have sought one month time. Despite waiting for more than a month, the 63 members have not appeared before the authority. Therefore, they are not allotted tenements in Perumbakkam scheme.

5. Aggrieved by the same, the instant writ petition was filed and this court, on 20.07.2020, directed the Tamil Nadu Slum Clearance Board to conduct an enquiry regarding the eligibility of the remaining 63 members for allotment and submit a status report.

6. Accordingly, the Secretary, Tamil Nadu Slum Clearance Board, Chennai has filed a status report on the entire direction issued. In paragraph Nos.5 to 9 of the status report, it has been stated thus:

"5. According to the interim direction of the Hon'ble Madras High Court, all 63 members were called for enquiry with evidence of living at Perumbakkam and enquiry was conducted by the Board Secretary at Board office from 14.09.2020 to 18.09.2020. Among 63 persons, only 34 persons appeared before Board Secretary for enquiry and 29 persons did not participate in the enquiry.

6. Among 34 persons, 6 persons only submitted evidence for they lived at Perumbakkam village and allotment were given to them vide proceedings No.G9/4424/2015 dated 21.01.2021.

7. Among balance 28 persons, 2 persons have already got allotment in Perumbakkam scheme and their request was rejected vide proceedings No.G9/4424/2015 dated 21.01.2021.

8. The balance 26 persons have not submitted evidence prescribed by Tamil Nadu Slum Clearance Board for they lived at Perumbakkam Village and hence their request was rejected vide Proceedings No.G9/4424/2015 dated 21.01.2021.

9. The 29 persons those who were not appeared during the enquiry conducted at Board office from 14.09.2020 to 18.09.2020 were again given chance vide proceedings No.G9/4424/2015 dated 21.02.2021 to come for an enquiry at board office on 03.02.2021 and 05.02.2021, but they were not participated in the enquiry."

7. In the above exercise, they could allot tenements only for eight persons out of the 34 persons, who have appeared. The balance members have not even appeared. The Sangam which has been filing writ after writ petition, should have at least ensured that all the members are available and they make appropriate representations before the authorities to avail the benefit.

8. The third respondent has already issued notices to all the persons, who are eligible and after conducting an enquiry, they have found the eligible persons and allotted tenements. Therefore, the petitioner cannot have any grievance. Those persons who have not appeared before the authorities pursuant to the interim direction dated 20.07.2020, it is open to them to approach the authorities, if they are otherwise eligible. Based on the documents, the authorities can consider their request, however they should approach the authorities within a period of three months. It is also directed that whoever are

already allotted tenements, may be issued with allotment orders. The status report of the Secretary, Tamil Nadu Slum Clearance Board, Chennai dated 07.03.2021, is taken on record.

9. In view of the above, the writ petition is closed. However there is no order as to costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Asr

1.The District Collector
Kancheepuram District
Kancheepuram

2.The Tahsildar
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Division-2
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Semmancherry, Chennai - 199

+1 cc to Government Pleader Sr.No. 24681

+1cc to M/s.D.Latha , Advocate SR.No. 24361

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sr II (CO)

A.SK(22.06.2021)

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