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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM

THE HON'BLE MR.JUSTICE R. MAHADEVAN

Writ Petition No.11070 of 2021

1. S.Swamy Selvam
2. S.Ambika
3. S.Jesintha
4. N.Joys
5. K.Arumugham
6. G.Deenadayalan
7. M.Chandra
8. V.Jayaram
9. Santhoshammal
10. M.Santhi

.. Petitioners

Versus

1. The Tamil Nadu Slum Clearance Board,
Rep. by its Chairman,
Kamaraj Salai, Chennai - 600 005.
2. The Estate Officer,
Estate Officer III,
Tamil Nadu Slum Clearance Board,
Chennai - 600 040.

.. Respondents

Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus to direct the respondents herein to consider the petitioners representation and direct the 1st respondent to allot the Plot which is possession of the petitioner situated in New Anna Nagar Thanthai Periyar Nagar and Annai Sathya Nagar in Thirumullaivoyal Village.

For Petitioners : Mr. L. Jai Venkatesh

For Respondents : Mr. S. Prabhu

ORDER

The relief sought for in this writ petition is to direct the respondents to consider the petitioners representation



submitted to the 1st respondent for allotment of the Plot, which are in possession of the petitioners situated in New Anna Nagar Thanthai Periyar Nagar and Annai Sathya Nagar in Thirumullaivoyal Village.

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2. According to the petitioners, they are in possession of the lands situated at S.No.866/9, Thanthai Periyar Nagar, Thirumullaivoyal for more than 20 years. By virtue of such long possession, they approached the respondents personally for allotment of plots in their favor, which was not considered. The petitioners place reliance on the earlier order dated 22.03.2016 passed by this Court in WP No. 40790 of 2016 and another order dated 06.01.2021 passed in WP No. 10536 of 2019 in identical circumstances. The petitioners also submitted a representation on 18.03.2019 and 22.02.2021 to the respondents in person and they were also received by the respondents by affixing the seal of the Board. However, so far, the representations are not considered, therefore, the petitioners are before this Court.

3. Today, when the matter was taken up for hearing, the learned counsel for the petitioners submitted that in identical circumstances, this Court passed an order dated 22.03.2016 in WP No. 40790 of 2016 and another order dated 06.01.2021 in WP No. 10536 of 2019. In fact, WP No. 40790 of 2016 was filed by one Thiruloohana Kumari challenging the order of rejection passed by the first respondent herein on 03.07.2015. By the order dated 22.03.2016, this Court set aside the order of rejection and directed the respondents to consider the claim of the petitioner therein afresh. Following the order dated 22.03.2016, this Court passed the subsequent order dated 06.01.2021 in WP Nos. 10536 of 2019 etc., batch. The petitioners are people who are categorised as persons living below the poverty line. The object of the scheme framed by the respondents is to eradicate slums and to ensure urbanisation at a faster rate. The respondents did not take note of the possession of the respective plots by the petitioners herein for decades together while so, the learned counsel for the petitioners prayed for issuing appropriate direction to the first respondent.

4. The learned Standing counsel appearing for the respondents has no serious objection for considering the representations submitted by the petitioner on merits.

5. In the light of the above submission of the counsel for both sides, this Court directs the petitioners to submit a copy of the representations to the first respondent within a period of two weeks from the date of receipt of a copy of this order together with documentary evidence in support of their claim. On receipt of the representation from the petitioners, the first respondent is directed to pass appropriate orders thereon, on



merits and in accordance with law, after affording an opportunity of personal hearing to the petitioners. Such an exercise shall be completed within a period eight weeks from the date of receipt of a copy of this order.

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6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

// True Copy//

Sub Assistant Registrar

av/rsh

To

1. The Chairman,
The Tamil Nadu Slum Clearance Board,
Kamaraj Salai, Chennai - 600 005.
2. The Estate Officer,
Estate Officer III,
Tamil Nadu Slum Clearance Board,
Chennai - 600 040.

+1cc to Mr.S.Prabhu, Advocate, S.R.No.32653

WP No. 11070 of 2021

PM(CO)
SU(08/09/2021)