

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.15172 of 2019

D.Loganayaki

.... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

2. Secretary and Personal Officer,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

3. Assistant Secretary (TENEMENTS)
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

4. Estate Officer,
Tamil Nadu Clearance Board,
II Complex,
Thirumangalam,
Chennai - 600 040.

5. D.Elangovan

6. E. Lakshmi

7. D.Kathirvel

8. K.Radhul (Minor)

9. K.Monica (Minor)

....

Respondents

R5 to R9 impleaded as per Court order
dated 07.08.2019 in WMP No.19232 of 2019

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to take action on the representation of the petitioner dated 22.10.2018 to evict the unlawful occupants of plot No.1703, door No.1/5, EVR street, GKM Colony, Chennai - 600 082 in accordance with the provisions of Tamil Nadu Slum Clearance Board Act.

For Petitioner : Mr.N.Jayakumar

For Respondents : Mr.J.Arulmozhi for R1 to R3

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to take action on the petitioner's representation dated 22.10.2018 requesting the respondents 1 to 4 to evict the unlawful occupants of plot No.1703, door No.1/5, EVR street, GKM Colony, Chennai - 600 082 in accordance with the provisions of Tamil Nadu Slum Clearance Board Act.

2. It is the case of the petitioner that she is the absolute owner of the aforementioned property having purchased the same from the Tamil Nadu Slum Clearance Board under the Sale Deed dated 01.02.2007 registered as document No.360 of 2007 on the file of the SRO, Anna Nagar.

3. According to her, certain persons have unlawfully encroached the property and hence, she has given a representation on 22.10.2018 to the respondents 1 to 4 requesting them to take action against the encroachers. During the pendency of this petition, the alleged encroachers were impleaded as party respondents in this writ petition viz., as respondents Nos.5 to 9 herein.

4. Heard Mr.N.Jayakumar, learned counsel for the petitioner and Mr.J.Arulmozhi, learned Standing Counsel for the respondents 1 to 3.

5. The petitioner claims that she is the absolute owner of the aforementioned property having purchased the same from the Tamil Nadu Slum Clearance Board under the Sale Deed dated 01.02.2007 registered as document No.360 of 2007 on the file of the SRO, Anna Nagar. She has given a representation on 22.10.2018 to the respondents 1 to 4 requesting them to take

legal action against the encroachers in her property, which was purchased from the Tamil Nadu Slum Clearance Board.

6. Admittedly, till date the said representation has not been considered. No prejudice will be caused to the respondents 1 to 4 if the petitioner's representation seeking for legal action against the alleged encroachers of the petitioner's property is considered on merits and in accordance with law after hearing all the necessary parties including the petitioner as well as the respondents 5 to 9.

7. For the foregoing reasons, this Court directs the 3rd respondent to consider the petitioner's representation dated 22.10.2018 requesting the respondents 1 to 4 to take legal action against the encroachers of her property bearing Plot No.1703, door No.1/5, EVR street, GKM Colony, Chennai - 600 082 and pass final orders on merits and in accordance with law after hearing all necessary parties including the petitioner as well the respondents 5 to 9 in this writ petition, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

2. Secretary and Personal Officer,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
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Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
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4. Estate Officer,
Tamil Nadu Clearance Board,
II Complex,
Thirumangalam,
Chennai - 600 040.

+3ccs to Mr.N.Murali, Advocate, S.R.No.10599.

MG (CO)
CSR 12.03.2021

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