



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.16972 of 2021

Dhanalakshmi

.. Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
Chennai-5.
2. The Executive Engineer,
Division III,
Tamil Nadu Slum clearance Board,
Vyasarpadi, Chennai-39.
3. The Estate Officer-II,
Tamil Nadu Slum Clearance Board,
Vyasarpadi, Chenna-39.

.. Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 16.2.2021 and direct the respondents to hand over the possession of a tenement built in the Murthingur Scheme area as per the temporary allotment order issued by the first respondent's proceedings Se.Mu.Ka.No.G2/9615/2012, dated 26.11.2012 within a time frame stipulated by this Court.

For Petitioner : Mr. Y. Bhuvanesh Kumar

For Respondents : Mr. S. Prabhu for R1 to R3

ORDER

The prayer made in this writ petition is to issue a mandamus directing the second respondent to consider the petitioner's representation dated 16.02.2021 with respect to allotment of tenement built in the Murthingur Scheme area, as



per the temporary allotment order issued by the first respondent's proceedings dated 26.11.2012, within a time frame to be stipulated by this Court.

2. According to the petitioner, she has been residing at Murthingur Street, Vyasarpadi along with her family for more than 45 years. As per the decision of the 13th Finance Commission, it was decided to construct 8 multi-storied buildings for separate allotments to the houseless families who were living in the Murthingur area. Pursuant to the same, the first respondent, vide his proceedings No.Se.Mu.Ka.No.G2/9615/2012, dated 26.11.2012, issued a temporary allotment order to the effect that the petitioner will be allotted a tenement in the proposed 8 multi-storied buildings being constructed under the Murthingur Scheme Area by way of drawing lots. The petitioner further averred that after completion of construction of multi storied buildings, though several people, who were given temporary allotments, were given possession, the petitioner was not allotted one such tenement under the said scheme. Stating that her husband had deserted her before six years and she has been living presently with her 24 year old son under various hardships, the petitioner submitted a representation on 16.02.2021 to the respondents seeking to hand over the possession of a tenement, but till date, no action was taken on the same. Therefore, this writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, the second respondent is directed to consider the representation of the petitioner dated 16.02.2021, in the light of the temporary allotment order issued by the first respondent on 26.11.2012 vide proceedings in Se.Mu.Ka.No.G2/9615/2012, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as any other interested parties, within a period of six weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

msr



To

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
Chennai-5.
2. The Executive Engineer, Division III,
Tamil Nadu Slum clearance Board,
Vyasarpadi, Chennai-39.
3. The Estate Officer-II,
Tamil Nadu Slum Clearance Board,
Vyasarpadi, Chenna-39.

+1cc to Mr.Y.Bhuvanesh Kumar, Advocate, S.R.No.44129

+1cc to M/s.Prabhu, Advocate, S.R.No.44926

W.P.No.16972 of 2021

RLD(CO)
SU(13/10/2021)