



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2021

CORAM:

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

W.P.No.7553 of 2014

MuthuChelvi

.. Petitioner

Vs

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamrajar Salai,
Chennai 600 005.
2. The District Collector,
Chennai.
3. The Superintending Engineer,
ETRP Special Division,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai 600 005.
4. The Executive Engineer,
ETRP Special Division,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai 600 005.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 14.02.2014 and to pass orders for allotment of a permanent tenement to the petitioner at Nochinagar under the Tsunami Rehabilitation Scheme within a reasonable time as may be fixed by this Court and pass orders.

For Petitioner : Mr.A.E.Ravi Chandran

For Respondents 1, 3 & 4 : Mrs.D.Latha

For Respondent 2 : Mr.K.M.D.Muhilan,
Government Advocate



O R D E R

The writ on hand has been instituted to direct the 1st respondent to consider the representation submitted by the writ petitioner on 14.02.2005 and to pass orders for allotment of a permanent tenement to the petitioner at Nochinagar, under the Tsunami Rehabilitation Scheme.

2. Tsunami affected the people who are residing in coastal areas, especially, near marine beach at Nochinagar. Almost 17 years lapsed. Schemes are formulated for the habitation of the affected families.

3. The learned counsel for the petitioner relying on the order dated 24.11.2010 made a submission that the authorities competent made a promise that on completion of construction works, the petitioner will be provided with an allotment order. However, 10 years lapsed and no such order has been issued. Thus, the petitioner is constrained to move the present writ petition in the year 2014.

4. The order dated 24.11.2010 reveals that temporary tenements were granted till the construction of the permanent habitat. This Court is of the considered opinion that allotments are to be made strictly in accordance with the rules and regulations and based on eligibility, seniority and other criteria to be fixed by the appropriate authority under the scheme. Permanent allotment can never be claimed as a matter of right, however, subject to eligibility and fulfillment of criteria.

5. Adjudication regarding the eligibility and the terms and conditions to be complied, cannot be done in a writ proceedings under Article 226 of the Constitution of India. However, the authorities competent are bound to follow the rules uniformly and consistently and without any discrimination amongst the eligible candidates. There should not be any scope for favoritism, nepotism and corrupt practices, in the matter of allotment of houses to the affected families. Thus, uniformity and consistency is the constitutional mandate while implementing such welfare schemes for the benefit of houseless families, who were affected due to tsunami during the year 2004.

6. Therefore, merely by citing an order, this Court cannot issue a direction to grant allotment. However, the authorities must ensure that the allotments are made in accordance with the regulations. Under these circumstances, if the turn arises for the petitioner to get such an allotment and if the petitioner is fully eligible and complied with the terms and conditions then



the case of the petitioner is to be considered along with all other persons by following the rules scrupulously.

7. With these directions, the writ petition stands disposed of. No Costs.

WEB COPY

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rap/ars

To

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

2.The District Collector,
Chennai.

3.The Superintending Engineer,
ETRP Special Division,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai 600 005.

4.The Executive Engineer,
ETRP Special Division,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai 600 005.

+1CC to Mr.D.Latha, Advocate, Sr.No.50625
+1CC to Mr.A.E.Ravichandran, Advocate, Sr.No.50283
+1CC to Mr.Government Pleader, Sr.No.50849

W.P.No.7553 of 2014

RLD (CO)
K.RK. (13.10.2021)