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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 18065 of 2021

S. Rajarathinam

.. Petitioner

Versus

1. The State represented by its
Principal Secretary to Government/
Chairman,
Tamil Nadu Slum Clearance Board,
Fort St. George, Chennai 600 009.

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

3. The Assistant Secretary,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chepauk, Chennai 600 005.

4. R.Varadharaja Perumal

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to consider petitioner's representation dated 19.11.2020 and to pass orders to survey and measure the petitioner's land with proper boundaries.

For Petitioner : Mr. J.S.Arun Kumar

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



O R D E R

The petitioner has come up with this Writ Petition to issue a Writ of Mandamus directing the second respondent to survey and measure his land with proper boundaries based on his representation dated 19.11.2020.

2. According to the petitioner, he was allotted a plot in plot No.180, MGR Street, Thandai Periyar Nagar, Korattur, Chennai 600 080 by the Tamil Nadu Slum Clearance Board on 1.12.1992 along with 6.5 feet common pathway, which is the access for him to reach the street. The petitioner was residing in the said plot by constructing a small house. While so, the 4th respondent, who is the adjacent allottee of his plot, constructed a house occupying a portion of 3 feet in petitioner's property and also constructed a wall consisting of window. On 25.09.2019 when the fourth respondent has started renovation work to fix windows in the occupied portion, the petitioner made a complaint before the Korattur Police Station on 28.09.2019 to stop the renovation work. On enquiry, the police refused to take any action and directed the petitioner to take legal action against the fourth respondent. Hence the petitioner made a representation on 24.2.2020 to the third respondent requesting him to pass orders to remove the encroachment made by the fourth respondent, but no action was taken by the third respondent. Thereafter on 19.11.2020, the petitioner made a detailed representation to the second respondent requesting to depute the Surveyor attached to the Board to measure his property and mark proper boundaries. Finding no response, the petitioner has filed the writ petition for the aforesaid relief.

3. Heard both sides and perused the materials on record.

4. The dispute raised by the petitioner in this writ petition cannot be examined by this Court. It is for the respondents 2 and 3 to resolve the dispute with respect to the boundary of the plot allotted to the petitioner and the allegation of the petitioner that the fourth respondent has encroached a portion of his property. For this purpose, the petitioner has also submitted a representation to the respondents 2 and 3 and it is pending. Taking note of the above facts and circumstances of the case and having regard to the submissions made on either side, the respondents 2 and 3 are directed to consider the representation of the petitioner dated 19.11.2020, conduct an enquiry, afford an opportunity of hearing to the petitioner and the fourth respondent herein and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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No costs.

5. The Writ Petition stands disposed of accordingly.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Principal Secretary to
Government/Chairman,
Tamil Nadu Slum Clearance Board,
Fort St. George, Chennai 600 009.
2. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chepauk, Chennai 600 005.
3. The Assistant Secretary,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chepauk, Chennai 600 005.

+1CC to Mr.J.S.Arunkumar, Advocate, Sr.No.43752
+1CC to Mr.S.Prabhu, Advocate, Sr.No.43995

WP No.18065 of 2021

VSN-II (CO)
K.RK. (04.10.2021)