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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6033 of 2016

and

W.M.P.Nos.7319, 5343 & 5344 of 2016

1.Manohar

2.A.K.Rajaraman

3.Janaki

... Petitioners

Vs

The Managing Director,
Tamil Nadu Slum Clearance Board,
Chennai- 600 005.

... Respondent

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the concern records relating to the order No. se.Mu.No.E1/18693/2013, dated 25.09.2015 passed by the respondent in so far as the petitioners are concerned and quash the same and consequently direct the respondent to allot the plot No.193, 199, 213 in MGR Extension, Manali, infavour of the petitioners.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.R.V.Babu

O R D E R

The order of rejection dated 25.09.2015, passed by the respondent/Tamil Nadu Slum Clearance Board, is under challenge in the present writ petition.

2.The petitioners state that they are residing in the lands belonging to the Tamil Nadu Slum Clearance Board from the year 1996. The first petitioner states that he paid a sum of Rs.999/- on 02.08.1996. The second and third petitioners also paid a sum



of Rs.999/- each, with the respondents. It is stated that the lands in their occupation are assessed to property tax by the Chennai Corporation. Under these circumstances, the petitioners made representations to the respondent to allot the plots in their names as the lands are situated in MGR Nagar extension. However, the respondents through an order dated 25.09.2015 deleted the names of the petitioners from the list of eligible persons for the allotment. Thus, the petitioners are constrained to move the present writ petition.

3. The respondents filed counter stating that the land at Manali under Manali New MGR Nagar (Extension) Scheme in 1994, for the purpose of allotment of house site to the poor people residing at Manali and layout plan was prepared as per the people who residing at the said area and got sanction from the CMDA by following the due process of law. The respondent admits that the 1st petitioner paid first installment for Plot No.194, but as per the records of the Board the said plot was originally allotted to one Tmt.Jaya W/o.Vijayaraghavan and at present the said land is vacant. The 2nd petitioner paid first installment for the Plot No.199, but as per the records of the Board the said plot was originally allotted to one Thiru.Ellappan S/o.Gurusamy and at present one time Barani residing in the hut as tenant. Plot No.213 was originally allotted to the 3rd petitioner, but the 3rd petitioner was not in possession and enjoyment and one Thiru.Aathivel residing in the hut as tenant. Accordingly, the respondents have stated that the petitioners 1 and 2 are not in possession and enjoyment of the said property and they have given a wrong information and paid first installment. Thus, the amount paid by the petitioners 1 and 2 were returned and actions were also taken against the Officials, who collected such amount erroneously.

4. After the inspection of the plots, it was found that the petitioners are not qualified for getting allotment of plots, since they are not residing in the above said area and the petitioners are residing around the said area. Thus, the respondent passed the cancellation order in view of the fact that the petitioners are not qualified for such allotment under the scheme.

5. Considering the facts and circumstances, this Court is of the opinion that the petitioners though paid the amount for first installment, the Authorities subsequently, found that they are not qualified for such allotment though allotment was made in their favour. The installments were collected erroneously and actions were also taken against the officials who collected such an amount of installments.

6. This being the factum, the relief as such sought for in



the present writ petition cannot be granted and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

pns

To

The Managing Director,
Tamil Nadu Slum Clearance Board,
Chennai- 600 005.

+1cc to Mr.Babu, Advocate, S.R.No.48426
+1cc to the Government Pleader, S.R.No.47944

W.P.No.6033 of 2016 and
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MG(CO)
CT/18/10/2021