



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 20387 of 2021

and

W.M.P. No. 21640 of 2021

K.C. Selvaraja

Versus

.. Petitioner

1. The Home Secretary
The Secretariat of Tamil Nadu
Secretariat, Chennai - 600 009
2. The District Collector
District Collectorate
Chennai - 600 092
3. Mrs. Malathi
The President
Dr. Ambedkar Nagar Association
No.41, Manali New Town
Chennai - 600 103
4. The Managing Director
Tamilnadu Slum Clearance Board
No.5, Kamarajar Salai
Chennai - 600 005
5. The Assistant Executive Director
Tamil Nadu Slum Clearance Board
Division - 1, Tondiarpet
Chennai - 600 081
6. M. Arumugam
7. Thyagarajan
Assistant Engineer
Tondiarpet, Division - I
Chennai - 600 081
8. The Inspector of Police
M7, Manali New Town Police Station
Manali New Town, Chennai - 600 103

.. Respondents



Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the fourth and fifth respondents to cancel the house allotment order bearing Door No.72 of the 6th respondent Na.Ka.No.G1/5823/2020 dated 17/07/2020 by considering the petitioner representation dated 11.09.2020 to allot the same to the petitioner in Door No.31, Survey No.311/1 situated in No.148, Ilayanchavadi Village, Ponneri Taluk, Tiruvallur District as originally allotted to the petitioner

For Petitioner : Mr. C. Kanagaraj

For Respondents : Mr. Stalin Abhimanyu
Government Counsel (R1, R2 & R8)
Mr. S.Prabhu (R4 & R5)

O R D E R

Mr. Stalin Abhimanyu, learned Government Counsel takes notice for the respondents 1, 2 and 8. Mr. S. Prabhu, learned counsel takes notice for the respondents 4 and 5. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission itself.

2. According to the petitioner, he had purchased the property comprised in Survey No.311/1 situated in No.148, Ilayanchavadi Village, Ponneri Taluk, Tiruvallur District by means of a sale deed dated 16.09.2011 registered as document No. 7720 of 2011 on the file of SRO, Tiruvrtoriyur. From the date of purchase, he is in possession and enjoyment of the said property. While so, during June 2019, the fourth respondent resorted to a demolition spree and demolished several houses on the ground that they were in a dilapidated condition, including the house of the petitioner with an assurance that after re-construction, preference will be given to the old allottees. However, the petitioner came to know that the property, in which he was in occupation prior to demolition, was after re-construction, allotted to the sixth respondent on the basis of the submission of forged and fabricated documents. Therefore, he submitted a representation on 11.09.2020 to all the respondents requesting to take appropriate action against the sixth respondent and allot the house to him. Upon receipt of the same, the fifth respondent by communication in Na.Ka.No.814/A1/Ko.1/2019 dated 21.10.2020, called upon the petitioner to appear in person and furnish the relevant documents with respect to the subject property. Accordingly, the petitioner appeared before the fifth respondent and produced all the documents relating to his property. However, till date, no enquiry was conducted and no order was passed on his representation dated 11.09.2020.



Therefore, he has come up with this writ petition seeking a mandamus to the respondents 4 and 5 to cancel the house bearing no.72 allotted to the sixth respondent by the proceedings in Na.Ka.No.G1/5823/2020 dated 17.07.2020, and consequently, re-allot the property in Door No.31, Survey No.311/1, situated in No.148, Ilayanchavadi Village, Ponneri Taluk, Tiruvallur District, as originally allotted to him.

3. When the matter was taken up for consideration, the learned counsel appearing for the respondents 4 and 5 submitted that if the petitioner is inclined to produce all the required documents relating to his property, the respondent authorities would consider the same and pass appropriate orders, on merits and in accordance with law.

4. The aforesaid submission made by the learned counsel for the respondents 4 and 5 has been agreed upon by the learned counsel for the petitioner.

5. In view of above, this Court directs the petitioner to submit all the required documents relating to his property to the respondent authorities within a period of two weeks from the date of receipt of a copy of this order. On such submission, the respondent authorities shall consider the petitioner's representation dated 11.09.2020 in the light of the those documents, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, sixth respondent as well as any other interested parties, within a period of four weeks thereafter.

6. With the above said direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dhk/rsh

To

1. The Home Secretary
The Secretariat of Tamil Nadu
Secretariat, Chennai - 600 009



2. The District Collector
District Collectorate
Chennai - 600 092
3. The Managing Director
Tamilnadu Slum Clearance Board
No. 5, Kamarajar Salai
Chennai - 600 005
4. The Assistant Executive Director
Tamil Nadu Slum Clearance Board
Division - 1, Tondiarpet
Chennai - 600 081
5. The Inspector of Police
M7, Manali New Town Police Station
Manali New Town, Chennai - 600 103
6. The Assistant Engineer,
Tondiarpet Division-1,
Chennai-81

+1CC to Mr.C.Kanagaraj, Advocate, Sr.No.48830
+1CC to Mr.S.Prabhu, Advocate, Sr.No.49542

WP No.20387 of 2021

RLD (CO)
K.RK. (13.10.2021)