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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22810 of 2021

S.Perumal

... Petitioner

Vs.

1. The Chairman/Managing Director,
Tamil Nadu Slum Clearance Board,
Kamarajar Road, Chennai - 600 005.
2. The Executive Engineer,
Tamil Nadu Slum Clearance Board,
No.2/124, Sir Tyagaraya Road,
Opp. Aalaiyamman Kovil,
Teynampet, Chennai - 600 018.
3. The Estate Officer,
Tamil Nadu Slum Clearance Board,
Estate Office 4th Sector, Sir Tyagaraya Road,
Opp. Aalaiyamman Kovil,
Teynampet,
Chennai - 600 018.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to take appropriate action as per the complainant dated 07.01.2020 given by the petitioner by evicting the illegal occupants residing at Flat No.16, -Block, Tilak Nagar, Chennai - 600 017.

For Petitioner : M/s.R.Aparna

For Respondents : Mrs.D.Latha
Standing counsel

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondents to consider the petitioner's complainant dated 07.01.2020 and to take appropriate action by evicting the illegal occupants residing at Flat No.16, I-Block, Tilak Street, Chennai - 600 017.



2. The case of the petitioner is that he is a senior citizen and he is residing at No.15, I-Block, Tilak Street, Chennai-600 017 which has been allotted to his wife one Sumathi by the Tamilnadu Slum Clearance Board in the year 2012. The adjacent Flat No.16 has been originally allotted to one Mrs.Amrudam. However, the said Amrudam without retaining that allotment, has sublet the premises to one Ponnammal, a third party and she is creating nuisance and also using filthy languages and disturbing the quite atmosphere prevailing in that area. Hence, the petitioner made multiple complaints before the respondents, however, till date no action has been taken by them. Hence, this writ petition.

3. The learned counsel for the petitioner submitted that though the petitioner has made multiple complaints regarding the nuisance created by said Ponnammal and regarding illegal occupancy of her, no steps were initiated by the respondents and it is pertinent to note that the condition/clauses contemplated in the allotment letter issued by the TamilNadu Slum Clearance Board clearly mentioned that any allotment to the third party by the allottee is strictly prohibited, however, the same was not complied by the original allottee/said Amrudam. Hence, he further submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's complaint dated 07.01.2020 and to take appropriate action against the original allottee as well as the illegal occupant.

4. The learned counsel for the respondents fairly conceded that the petitioner's complaint dated 07.01.2020 will be considered and if any such illegal occupancy is made, appropriate action will be taken against the illegal occupants as well as the original allottee within the time stipulated by this Court.

5. In view of the above submissions made by the learned counsel on either side, this Court without going unto the merits of the case, issues direction to the respondents to consider the petitioner's complaint dated 07.01.2020 and pass appropriate orders after affording opportunity to the other parties in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.



6. Accordingly, this writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

skt

To

1. The Chairman/Managing Director,
Tamil Nadu Slum Clearance Board,
Kamarajar Road, Chennai - 600 005.
2. The Executive Engineer,
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Opp. Aalaiyamman Kovil,
Teynampet, Chennai - 600 018.

+lcc to M/s.R.Aparna, Advocate, S.R.No.68455

+lcc to Mrs.D.Latha, Advocate, S.R.No.68580

W.P.No.22810 of 2021

CP[co]
NSK 27/01/2022