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W.A.No.2905 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.12.2021

CORAM:

**THE HON'BLE MR. JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MR. J. SATHYA NARAYANA PRASAD**

W.A.No.2905 of 2021 and

C.M.P.No. 19611 of 2021

1. Tamil Nadu Slum Clearance Board,
[Now renamed as Tamil Nadu Urban Habitat
Development Board],
Rep. By its Managing Director,
No.5, Kamarajar Salai, Chennai – 600 005.

2. Executive Engineer,
Division – 1,
Tamil Nadu Slum Clearance Board,
[Now renamed as Tamil Nadu Urban Habitat
Development Board],
Tondaiyarpur, Chennai – 600 081.

... Appellants

v.

1. Hameed Basha

2. The Commissioner,
Corporation of Chennai,
Chennai – 600 003.

3. The Assistant Engineer,
Corporation of Chennai, Division No.4,
Korrukupet, Chennai – 600 021.

... Respondents



W.A.No.2905 of 2021

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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 07.01.2020 made in W.P.No.27469 of 2019.

For Appellants : Mr. Silambannan,
Addl. Advocate General
Asst. by Mr.S.Prabhu

For Respondents : Mr. T.Mohan
for Mr. V. Hari Babu - R1

JUDGMENT

(Judgment was delivered by M. DURAISWAMY, J.)

Challenging the order passed W.P.No.27469 of 2019, the respondents 1 and 2 in the Writ Petition have filed the above Writ Appeal.

2. The 1st respondent filed the Writ Petition to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider his representation dated 26.10.2018, seeking allotment of the rest rooms, situated adjacent to his property at Door No.179, D Street, J.J. Nagar, Korrukkupet, Chennai, in his favour.



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3. The learned Single Judge, by order dated 07.01.2020, disposed of the Writ Petition directing the respondents to conduct a physical enquiry of the property in question and the adjacent toilets which are now in unused condition and after hearing the 1st respondent-writ petitioner or his Power of Attorney, allot the space of the toilet to him by fixing rent as per the market value. Aggrieved over this direction, the appellants have filed the above Writ Appeal.

4. Mr. Silambannan, learned Additional Advocate General, appearing for the appellants submitted that the prayer sought for in the Writ Petition is only to issue Writ of Mandamus to consider the 1st respondent-writ petitioner's representation dated 26.10.2018. However, the learned Single Judge disposed of the Writ Petition by giving a positive direction to allot the space of the toilet to the 1st respondent-writ petitioner.

5. Mr. T.Mohan, learned counsel appearing for the 1st respondent fairly submitted that the Writ Appeal may be disposed of by giving a



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direction the 1st appellant to consider the 1st respondent-writ petitioner's representation dated 26.10.2018, seeking allotment of rest rooms, within a time frame instead of giving a positive direction to the appellants to allot the space of the toilet.

6. In view of the submissions made by the learned counsel on either side, we modify the order passed on 07.01.2021 made in W.P.No.27469 of 2019 by giving a direction to the 1st appellant to consider the 1st respondent-writ petitioner's representation dated 26.10.2018 and pass orders, after after giving an opportunity of hearing to him, within a period of four weeks, from the date of receipt of a copy of this Judgment. No costs. Consequently, the connected Miscellaneous Petition is closed.

[M.D., J.] [J.S.N.P., J.]

06.12.2021

Index : Yes/No

Internet: Yes

Note : (i) Registry is directed to upload the order copy in the website today itself.
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Rj



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To
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1. The Commissioner,
Corporation of Chennai,
Chennai – 600 003.
2. The Assistant Engineer,
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M. DURAISWAMY, J.
and
J. SATHYA NARAYANA PRASAD ,J

Rj

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