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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12511 of 2015

and

M.P.No.1 of 2015

E.Anandan

...Petitioner

Vs.

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

2. The Estate Officer,
Estate Office -4,
Slum Clearance Board,
Teynampet,
Chennai - 600 018.

3. The Executive Engineer,
Division -5,
Slum Clearance Board,
Teynampet,
Chennai - 600 018.

4. Sulochana

..Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Na.Ka.No.G4/ 20787/2013 dated 7.8.2014, on the file of the first respondent and quash the same, in so far it relates to the Cancellation of Allotment order dated 3.11.1989, issued in the name of the petitioner and to direct the second and third respondent to evict the fourth respondent from the premises bearing Door No.27/37, Dr.Thomas Road, T.Nagar, Chennai-600 017 and to hand over possession to the petitioner and also directing the first respondent to register the Sale Deed in my favour, thereby fixing and receiving the sale consideration with respect to the above premises.



For Petitioner : M/s.Elizabeth Ravi
For Respondents 1 to 3 : Mr.M.Rajasekhar
For Respondent R4 : Mr.K.Selvaraj

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The order impugned dated 07.08.2014 is cancellation of allotment granted in favour of the petitioner.

2. The petitioner was allotted a flat in Door No.27/37, Dr.Thomas Road, T.Nagar, Chennai - 600 017 by the first respondent in proceedings dated 03.11.1989. The petitioner states that he was residing in the said flat along with his family. Suddenly in the year 2005, the 4th respondent / Sulochana, wife of P.Ramu started threatening the family of the petitioner, stating that they will be evicting from the said premises. Several disputes arose between the petitioner and the 4th respondent and finally, the Slum Clearance Board cancelled the allotment.

3. It is brought to the notice of this Court that the order passed by the First respondent is an appealable order under Section 59 (1) of the Tamil Nadu Slum Areas (Improvement and Clearance Act) 1971. The appeal lies before the Government.

4. This Court is of the considered opinion that several disputes are raised between the parties, which requires examination of documents and evidences. Such a Roving enquiry cannot be conducted by the High Court in a writ proceedings. Thus, the petitioner has to exhaust the appellate remedy as contemplated under the provisions of the Act.

5. This being the factum, the aggrieved persons are at liberty to prefer an appeal under Section 59 (1) of the Tamil Nadu Slum Areas (Improvement and Clearance Act) 1971 and in the event of filing any such appeal, the Appellate authority shall consider the same on merits and in accordance with law. It is made clear that there is no impediment for the Slum clearance Board to initiate all appropriate actions in the manner known to law.

6. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar



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To

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Slum Clearance Board,
Teynampet,
Chennai - 600 018.
3. The Executive Engineer,
Division -5, Slum Clearance Board,
Teynampet, Chennai - 600 018.

+1cc to M/s.Elizabeth Ravi, Advocate, S.R.No.3452
+1cc to Mr.K.Selvaraj, Advocate, S.R.No.3350

W.P.No. 12511 of 2015

VSN II(CO)
CB(02/02/2022)