



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.3135 of 2022

K.Thavaselvam

...Petitioner

Vs

1. The Secretary to Government,
Housing and Urgan Development Department,
State of Tamil Nadu, Secretariat,
Chennai - 600 009.
2. The Tamil Nadu Slum Clearance Board,
represented by its Chairman and Managing Director,
No.5, Kamarajar Salai, Chennai - 600 005.
3. The Estate Officer II, Allotment,
rep. By its Executive Engineer,
Tamil Nadu Slum Clearance Board,
Chennai - 600 039.
4. K.Dhakshamoorthy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing 2nd respondent to re-allot in respect of the allotment made in the name of Late P.Kali bearing Flat No.1304, 22nd Block, K.P.Park, Puliyathope, Chennai in the name of the petitioner based on the representation dated 28.12.2021.

For Petitioner : Ms.T.Nithya

For Respondents : Mrs.Geetha Thamaraiselvan
Special Government Pleader - R1
Mr.M.Rajasekar
Standing Counsel - R2 & R3



O R D E R

Mrs.Geetha Thamaraiselvan, learned Additional Government Pleader accepts notice for R1 and Mr.M.Rajasekar, learned Standing Counsel accepts notice for R2 and R3. Both are armed with instructions to proceed with the matter finally.

2. Having heard learned counsel for the petitioner and learned counsel for R1 to R3 and also in view of the order that is proposed to be passed in this Writ Petition, no notice to R4 is thought necessary at this stage. Hence, by consent expressed by both sides, this Writ Petition is disposed finally even at the stage of admission.

3. The petitioner seeks limited relief of mandamus directing the 2nd respondent the Tamil Nadu Slum Clearance Board to re-allot the flat originally allotted in the name of P.Kali being bearing Flat No.1304, 22nd Block, K.P.Park, Puliyathope, Chennai (in short 'flat in question') based upon his representation dated 28.12.2021.

4. The case of the petitioner is that the original allotment of the plot in question has been made in the name of his parents on 13.01.1983. His parents have passed away on 22.08.1998 and 27.07.2006 respectively. Thereafter, an understanding has been arrived at between himself and R4, who is his brother that the benefit of compassionate appointment in the Harbour, on account of his father's demise, in the Harbour will be taken by R4 and the allotment of the flat in question would enure to his benefit.

5. However, the petitioner would allege that the 4th respondent appears to have had a change of heart thereafter and is preventing the respondents from allotting the flat.

6. In view of the factual disputes, particularly the objection that is stated to be put up by the 4th respondent, it would suffice that R3 is directed to dispose the representation of the petitioner dated 28.12.2021, after hearing the petitioner and R4 and decide the question of re-allotment on merits and in accordance with law and with all applicable Rules and Regulations within a period of six (6) weeks from today.



7. This Writ Petition is disposed in the aforesaid terms.
No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The Secretary to Government,
Housing and Urban Development Department,
State of Tamil Nadu, Secretariat,
Chennai - 600 009.
2. The Chairman and Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai, Chennai - 600 005.
3. The Executive Engineer,
Estate Officer II, Allotment,
Tamil Nadu Slum Clearance Board,
Chennai - 600 039.

+1cc to the Government Pleader Sr.11967

W.P. No.3135 of 2022

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srg 04/04/2022