



W.P.No.27589 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.12.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.27589 of 2008
and MP No.1 of 2008

D.S.Pandian

... Petitioner

Vs

1. The Chairman and Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai, Chepauk,
Chennai - 600 005.
2. The Inspector of Police,
K6 Police Station,
T.P.Chatiram, Chennai - 600 010.
3. The Executive Engineer,
Division IV,
Tamil Nadu Slum Clearance Board,
Chennai - 600 010.
4. The Estate Officer - V,
Tamil Nadu Slum Clearance Board,
T.P.Chatiram, Chennai - 600 010.
5. The Head Surveyor (South)
Land Survey Section,
Tamil Nadu Slum Clearance Board,
Chennai - 600 005.



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6. Rani

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 2 to 5 to conduct the survey, take measurement as per the approved re-alignment of the boundary of Plot No.106 in Kamaraj Nagar, (Halls Road), Chennai – 600 010 and put the petitioner in possession of the same as per the proceedings of the 1st respondent in Na.Ka.No.E5/11698/07 dated 10.07.2008 and consequently forbear the 6th respondent or her men or agents or any one claiming under her from causing any disturbance/obstruction/objection in any manner to disturb the peaceful possession and enjoyment of Plot No.106, Door No.84/3, Block No.8, Egmore Village, Egmore – Nungambakkam Taluk, Kamaraj Nagar, (Halls road), Chennai – 600 010 of an extent of 35.20 sq.m by the petitioner.

For Petitioner : Mr.D.Selvakumar

For Respondents : Mr.Balaji
for Mr.S.Karthikeyan
Standing Counsel – R1, R3 to R5

Mr.S.Jayachandran
Government Advocate - R2

ORDER

Heard Mr.D.Selvakumar, learned counsel for the petitioner, Mr.Balaji, learned counsel appearing for Mr.S.Karthikeyan, learned Standing Counsel for the Tamil Nadu Slum Clearance Board (TNSCB), i.e., R1 and R3 to R5 and Mr.S.Jayachandran, learned Government Advocate for R2. This Writ Petition stands dismissed qua R6 by order of this Court dated 12.01.2012.



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2. The petitioner has prayed for a mandamus directing R2 to R5 to conduct a survey, take measurements as per the approved re-alignment of the boundary of Plot No.106 in Kamaraj Nagar, (Halls Road), Chennai – 600 010 and put the petitioner in possession of the aforesaid property as per the proceedings of R1/ Chairman and Managing Director, TNSCB in Na.Ka.No.E5/11698/07 dated 10.07.2008 and forbear the 6th respondent or any one claiming under her from causing any disturbance/obstruction/objection in any manner to disturb the peaceful possession and enjoyment of Plot No.106, Door No.84/3, Block No.8, Egmore Village, Egmore – Nungambakkam Taluk, Kamaraj Nagar, (Halls road), Chennai – 600 010 of an extent of 35.20 sq.m by the petitioner.

3. A crisp counter dated nil, February, 2009, filed by TNSCB, states as follows:

2. I submit that this Board under the then Madras Urban Development Project Scheme prepared a Plan where the Slum People were residing “as is where is condition” in the Kamaraj Nagar (Halls Road) Scheme and forwarded it to the C.M.D.A. for approval. The families residing in this area were enumerated through the District Collector and the beneficiary list was prepared and allotments were made as per the beneficiary list. I submit that in the said Scheme Plot No.106 measuring 25.5 sq.mts was allotted to the above said petitioner. Mr.D.S.Pandian as per Board's proceedings K3/15880/80 dated 23-01-1981.

3. I submit that the above said Petitioner submitted a petition dated 21-05-2007 stating that on the southern side of the allotted Plot No.106 an area measuring about 6 feet of land is under his



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enjoyment and therefore requested for re-allotment after correcting the earlier allotment by adding this portion of land also.

4. I submit that the said representation of the Petitioner was considered and also surveyed through the Surveyor and found that the Petitioner's statement of the additional 6 feet of land is also under his enjoyment and therefore with corrections in the earlier plan forwarded a new plan to the C.M.D.A. for approval and the C.M.D.A. has also approved the same by their letter dated L2/15481/07 dated 26-04-2008. Based on this the Corporation of Chennai has also approved and also issued orders as per their proceedings Z.O.V.C.No.D5/3440/06 dated 06-05-2008.

5. I submit that as per the approval of the C.M.D.A. and Corporation of Chennai, the Board issued revised order of allotment for an area measuring 35.2 sq. Mts. As per Board's proceedings E5/11698/07 dated 03-06-2008. I therefore submit that this Board therefore has no objection in putting the Petitioner in possession as per Board's proceedings E5/11698/07 dated 03-06-2008.'

4. The aforesaid counsel reveals that the TNSCB has essentially accepted the contentions of the petitioner and recording this, no further orders are required in this Writ Petition. The petitioner may approach the authorities in light of the contents in the counter extracted above.

5. This Writ Petition and the Connected Miscellaneous Petition are closed. No costs.

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Index : Yes / No
Speaking Order
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To

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Dr.ANITA SUMANTH,J.

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