

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.23568 of 2009
and W.M.P.No.1 of 2011
and W.M.P.No.2 of 2009

- 1 M.Michael Anthony
- 2 M.Pushpam
- 3 S.Gopalakrishnan
- 4 G.Kanaka Latha
- 5 V.Lourthusamy
- 6 L.Caroline
- 7 S.Vasantha
- 8 S.Kamakshi
- 9 S. Thiyagaraja
- 10 T. Mangayarkarasi
- 11 P.Udhaya Kumar
- 12 U.Lakshmi Thilagam
- 13 T.R.Raja Gopalan
- 14 K.Jaganathan
- 15 D.Loganthan

- 16 L.Indira Devi
- 17 A.Francis
- 18 S. Asha @ Anbu Ayisha
- 19 S.Sugunavathi
- 20 F.Sebasthiyai
- 21 M.Nagappan
- 22 S.Kannan
- 23 T.Bhuvaneshwari
- 24 J.Lalli
- 25 A.Parthiban

... Petitioners

Vs.

- 1.Government of Tamil Nadu,
Represented by its Secretary to Government,
Public Works Department,
Fort St. George, Chennai – 600 009.
- 2.Tamil Nadu Slum Clearance Board,
Represented by its Chairman,
Kamarajar Salai,
Chennai – 600 005.
- 3.The Managing Director,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai,
Chennai – 600 005.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records

relating to the order bearing ref.No.Sa.Mu.Ka.No.E8/17413/2009 dated 30.9.2009 issued by the 3rd respondent and to quash the same as being illegal, arbitrary and contrary to the order dated. 14.11.2007 passed by this court in WA.No.712/2006 and consequently to direct the respondents not to recover the amounts as mentioned in the order dated 30.9.2009 issued by the 3rd respondent from the petitioners.

For Petitioners : Mr.V.Govardhanan

For Respondents : Mr.C.Sathish
Government Advocate for R1

Mr.G.Venkatesan for R2

ORDER

This writ petition was filed challenging the impugned proceedings dated 30.09.2009 issued by the 3rd respondent and for a consequential direction to the respondents not to recover any amount from the petitioners as mentioned in the impugned order.

2.Heard Mr.V.Govardhanan, learned counsel appearing on behalf of the petitioners, Mr.C.Sathish, learned Government Advocate appearing on behalf of the 1st respondents and Mr.G.Venkatesan, learned counsel appearing on behalf of the 2nd respondent.

3.The 2nd and 3rd respondents have filed the counter affidavit and the relevant portion in the counter affidavit is extracted hereunder:

7. It is pertinent to mention here that the Sec.6 of the Tamil Nadu Slum areas (improvement and clearance) Act 1971, empowers the Tamil Nadu Slum Clearance Board to execute improvement works in slum areas and the Sec.8. of the said Act empower to recover the expenses incurred on such development from the occupant or occupiers of the land or building as arrears of land revenue. As such, the beneficiaries of the slum have to bear the cost of development and other improvement in their slum, in proportionate to their share. Therefore the board passed his order dated 30.09.2009 to collect appropriate share from the beneficiaries, under the provisions of the relevant Act and as per the existing rules. The said order was to collect the cost incurred on the construction of Flood protection wall, that too was, in compliance with order of this Hon'ble court, to implement the expert committee recommendation, for the safety and benefit of the MKB Nagar Slum dwellers. However, the Board proceedings in Sa.Mu.Ka.No. E8/17413/2009 dated 30.09.2009 (Impugned Order herein) was withdrawn by the Board Resolution No.469/7.01 dated 08.05.2015. Hence the beneficiaries need not to pay anything for construction the wall.

4.It is clear from the above that the respondents have taken a decision to withdraw the proceedings dated 30.09.2009 and have further taken a

decision not to insist the beneficiaries to make proportionate payments for the construction of the wall. This stand taken by the 2nd and 3rd respondents sufficiently answers the grievance expressed by the petitioners.

5.Recording the same, this writ petition is disposed of. No Costs.
Consequently, connected miscellaneous petitions are closed.

06.07.2022

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

- 1.The Secretary to Government,
Public Works Department,
Fort St. George, Chennai – 600 009.
- 2.Tamil Nadu Slum Clearance Board,
Represented by its Chairman,
Kamarajar Salai,
Chennai – 600 005.
- 3.The Managing Director,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai,
Chennai – 600 005.

N. ANAND VENKATESH, J.

ssr

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