



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.17418 of 2015

and

M.P.No.1 of 2015 and W.M.P.No.9179 of 2017

T.K.Perumal

...Petitioner

Vs.

1.The Chairman

Tamil Nadu Slum Clearance Board,
5, Kamarajar Salai,
Chennai-600005.

2.Mr.I.Dayalan

3.Mr.Devarajan

4.Mr.Ambed,

5.The Inspector of Police,

R3 - Ashok Nagar Police Station,
Chennai-600083.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to allot the land as claimed by the petitioner by following the direction of this Court in W.P.No.31627 of 2004 dated 28.02.2013.

For Petitioner : Mr.Bharath Kumar

For R1 : M/s.D.Latha

For R2&R4 :Dismissed vide Court
order dated
15.09.2016

For R3 and R4 : No Appearance

For R5 : Mr.C.Sathish
Government Advocate



O R D E R

The relief sought for in the present writ petition is to direct the 1st respondent to allot the land as claimed by the petitioner by following the direction of this Court in W.P.No.31627 of 2004 dated 28.02.2013.

2. The order passed by this Court in W.P.No.31627 of 2004 reveals that, a direction was issued to the respondents to consider the claim made by the petitioner and the 4th respondent had passed appropriate orders after giving opportunity to the parties and by verification of the documents.

3. The claim of the petitioner is to allot land pursuant to the orders of this Court. The 1st respondent/Tamil Nadu Slum Clearance Board conducted an enquiry and passed an order on 23.09.2004 itself. The writ petitioner aggrieved from and out of the said order filed W.P.No.31627 of 2004 and for a consequential direction to allot the Plot No.229, 2nd street, Pudur, Ashok Nagar, Chennai - 600 083 in favour of the petitioner.

4. This Court passed an order on 28.02.2013 to consider the claim made by the petitioner and pass orders. The enquiry was conducted on 13.06.2013 and the case of the petitioner was considered. The counter filed by the respondent reveals that the petitioner was not living in the subject Plot and there was no vacancy and accordingly, the claim of the petitioner was not considered. This apart, the petitioner filed a Civil Suit in O.S.No.8289 of 1997 seeking an injunction not to interfere with the peaceful possession and the said suit was disposed of with a direction to file a suit for re-delivery of possession. In the said suit the 1st respondent/Tamil Nadu Slum Clearance Board was not a party.

5. This Court is of the considered opinion that even during the enquiry before the 1st respondent, the petitioner has not established his case. This apart, the relief sought for in the present writ petition to allot the subject land cannot be considered by this Court as the order passed by this Court in W.P.No.31627 of 2004 dated 28.02.2013 was to consider the claim of the writ petitioner and the said claim was considered by conducting a detailed enquiry. This being the factum, the petitioner is not entitled for the relief as such sought for in the present writ petition.



6. Accordingly, the Writ Petition stands dismissed.
No costs. Consequently, the connected Miscellaneous
Petitions are closed.

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Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

Jeni/Raja

To

1.The Chairman
Tamil Nady Slum Clearance Board,
5, Kamarajar Salai,
Chennai-600005.

2.The Inspector of Police,
R3 - Ashok Nagar Police Station,
Chennai-600083.

+1 cc to Mr.A.Damodaran, Advocate Sr.NO. 438
+1 cc to Government Pleader Sr.NO. 653
+1 cc to M/s.D.Latha, Advocate Sr.NO. 580

W.P.No.17418 of 2015

SMI (CO)
A.SK(04.02.2022)