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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.3955 of 2019

&

W.M.P.No.4391 of 2019

1.Devi

2.Meenatchi

...Petitioners

Vs.

1. The District Collector,
O/o. Chennai District Collector,
Singaravavelan Maligai,
Chennai - 600 001.

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

3. The Executive Engineer,
Kottam 3
Tamil Nadu Slum Clearance Board,
No.33, Venkatnarayana Salai,
Nandhanam,
Chennai - 600 035.

4. The Executive Engineer
Division No.4
Tamil Nadu Slum Clearance Board,
T.B.Chatram,
Chennai - 30.

.....Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents and thereby direct the respondents to allot the house at TNSCB, slu, tenements at Athipattu in Ambattur under Rajiv Awas Yojana Scheme, Tamil Nadu Clearance Board by receiving appropriate charges towards the same in the name of the



petitioner's and consequently directing the respondents to consider the petitioners' representation dated 29.01.2019.

For Petitioner : Mr.Thirugnanam

For Respondents : Mr.Vadivelu Deenadayalan [R1]
Additional Government Pleader
Mr.Ezhumalai [R2 &R4]

ORDER

The petitioners are before this Court seeking a mandamus, directing the respondents to allot them house in the Tamil Nadu Slum Clearance Board at Athipattu in Ambattur under Rajiv Awas Yojana Scheme by receiving appropriate charges from them.

2. The petitioners also claim to have made a similar prayer under representation dated 29.01.2019. Though the petitioners have placed proof of dispatch of this representation, there is no acknowledgment of receipt of the same by the respondents.

3. In the counter filed by R2 to R4, respondents express their inability to consider the request of the petitioner for the reason that there is nothing to evidence the residence of the petitioners in any house in the encroachment that was cleared in Kakkanji Nagar. It is their case that at the time of eviction/clearance, a proper assessment of the residents in that area was carried out between 26.12.2018 and 30.12.2018 and their biometric identifications was ascertained. 1452 families have been ultimately enumerated as residents of the area and the list of such persons, published in the website.

4. The enumeration, as above has been done after proper verification of all particulars and credentials of the residents including ration card and voter identification among others. The names of the petitioners do not figure in such list and thus, according to the respondents, they were not resident in Kakkanji Nagar. The question of receiving beneficiary contribution of Rs.67,500/- from them in order to grant allotment in the housing scheme, thus does not arise in their cases.

5. Per contra, learned counsel for the petitioners will draw attention of this Court to an additional typed set of papers filed in January 2020 containing six documents, being certification of fire accident that is stated to have taken place on 04.02.2011 and 09.02.2011, family card of the first



petitioner, residence certificate, details of national census and bank passbook of second petitioner, all of which, according to him, serve to establish the residence of the petitioners in the area in question.

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6. It being a question of fact, as to whether the petitioners were, in fact, resident in Kakkanji Nagar at the time of eviction, this Court is not inclined to go into such factual aspects in the present writ petition.

7. It would thus suffice to permit the petitioners to move a representation before R3, accompanied with all documents relied upon by the petitioners to establish prior residence. Such representation, if filed within a period of four weeks from today will be acted upon by the respondents, the petitioners called upon for enquiry and a speaking order passed after hearing the petitioners, in accordance with Law within a period of eight weeks thereafter.

8. This writ petition is disposed in terms of the aforesaid directions. Consequently connected writ miscellaneous petition is closed, with no order as to costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

nst/ska

To

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Nandhanam,
Chennai - 600 035.



4. The Executive Engineer
Division No.4
Tamil Nadu Slum Clearance Board,
T.B.Chatram,
Chennai - 30.

+1cc to Mr.B.S.Sundaramoorthi, Advocate SR.No.13281
+1cc to Mr.Thirugnanam, Advocate SR.No.13455
+1cc to the Government Pleader, SR.No.14145

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&
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PMK(CO)
CB(29/03/2022)