



W.P.No.6971 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6971 of 2022

and

W.M.P.No.7006 of 2022

Priya Dhanapal

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu Urban Housing Development Board,
No.5, Kamaraj Road,
Chennai - 600 005.

2.The Estate Officer, I
Tamil Nadu Slum Clearance Board,
No.1, Ibrahim Road,
Chennai - 600 001.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent dated 06.01.2022 in Na.Ko.No.446/B/2019/A.ha.1 and quash the same and further direct the second respondent to consider and pass orders on petitioner's representation dated 07.01.2022 followed by reminder dated 11.01.2022 in pursuance of the order of this Court made in W.P.No.7020 of 2009 dated 19.08.2009 within a stipulated time frame, directing the respondent to collect the amount and to allot the land at Plot No.209, New M.G.R Extension, Manali, Chennai - 600 068 to and in favour of the petitioner.



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For Petitioner : No appearance

For Respondents : Mr.S.Karthikeyan [R1 & R2]

ORDER

The petitioner claiming to be the person in occupation of the petition mentioned property for the last 22 years seeks a writ of certiorarified mandamus calling for the records of the second respondent dated 06.01.2022 in Na.Ko.No.446/B/2019/A.ha.1 and quash the same and further direct the second respondent to consider and pass orders on the petitioner's representation dated 07.01.2022 followed by reminder dated 11.01.2022 in pursuance of the order of this Court made in W.P.No.7020 of 2009 dated 19.08.2009 within a stipulated time frame, directing the respondents to collect the amount and to allot the land at Plot No.209, New M.G.R Extension, Manali, Chennai - 600 068 to and in favour of the petitioner.

2. The case of the petitioner is that the petitioner along with one Maheshbabu, were originally residing at Plot No.209, New M.G.R.Nagar



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Extension, Manali, Chennai. The petitioner living in the said premises for more than 22 years and obtained Aadhar Card, Voter ID, Property Tax and EB in the said address. In such circumstances, the second respondent had issued notice to the petitioner on 06.01.2022 to evict the property arraying as encroacher of the property. Therefore, the petitioner sent a representation dated 07.01.2022 stating that the petitioner and the said Maheshbabu are not encroachers of the property. Following the representation dated 07.01.2022, the petitioner again submitted a representation on 11.01.2022. Despite the receipt of representations, the respondents did not give any reply. Challenging the notice dated 06.01.2022, the petitioner has filed the present writ petition.

3. Though the petitioner has filed a restoration petition, none appeared on behalf of the petitioner and considering the nature of pendency, this Court is inclined to dispose of this writ petition with the available records.

4. Heard the learned counsel appearing for the respondents.



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5. Admittedly the petitioner as well as one Maheshbabu who claimed ownership to the petition mentioned property has no allotment order in their favour and therefore, they cannot be considered to be the owners of the property. Hence, this Court finds that there is no ground to interfere with the order passed by the second respondent considering the petitioner as an encroacher to the property. The petitioner has to prove her ownership to the said property by submitting a representation along with the requisite documents proving her title to the property. On such production of documents, the respondents shall consider the same and pass orders on the representation of the petitioner.

6. With the above observation, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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(2/2)

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
vji



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