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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

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THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.27975 of 2013
and M.P.Nos.1 and 2 of 2013

S.Logeswari @ Kavitha
Rep by her Power agent
S.Ramachandran

...Petitioner

Vs.

1. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

2. The Estate Officer,
Tamil Nadu Clearance Board,
No.212, R.K.Mutt Salai,
Mylapore, Chennai - 600 004.

3. Anandan

...Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the respondents in proceeding No.16201/95/E-5, dated 03.06.1996 and to quash the same.

For Petitioner : M/s.S.Thiruvengadam

For Respondent : M/s.R.Sivakumar
Nos.1 and 2

For Respondent : M/s.L.Chandrakumar
No.3

O R D E R

Challenging the cancellation of allotment dated 03.06.1996 issued by the respondent, the petitioner is before this Court.



2. Originally, it is noted that the petitioner was allotted Plot No.866. Later in the impugned proceedings dated 03.06.1996, it was cancelled on account of the fact that the petitioner was not found in the list of eligible persons. Totally 33 families were identified as not eligible for allotment. Even after this cancellation order, the petitioner continued to be in possession of the property. In a similar circumstance, one Ajai Kumar and Bharathi approached this Court against the cancellation notice issued to them on 03.06.1996. This Court, in W.P.No.12706 of 1996, set aside the cancellation order for want of notice. Even thereafter, the respondents have not issued any notice to the petitioner herein. In the meanwhile, it is noted that the petitioner had put up some construction and obtained the electricity service.

3. Mrs.Pavai Pandian, Estate Officer, inspected the place and submitted a report to the office in Na.Ka.No.545/,/2013/v.m.6, dated 20.11.2013, wherein it is stated that the petitioner has put up construction and obtained electricity connection. On direction, Mrs.Pavai Pandian, erstwhile Estate Officer, appeared before this Court and submitted that in view of the pendency of the Writ Petition filed by the petitioner in W.P.No.20872 of 2011, she did not take any action. But, the fact remains that the petitioner was found to be in possession of Plot No.866 allotted to her. The above-said Writ Petition was dismissed as withdrawn without any liberty to challenge the cancellation of allotment. However, the present Writ Petition has been filed.

4. From the counter filed by the respondents, it is noted that the petitioner has paid the initial amount of Rs.1,557/- towards costs of the Plot. But, there is no averment as to the service of notice of cancellation on the petitioner. From this, it is clearly inferred that the petitioner was not served with the cancellation of allotment order as well as no proceedings were initiated for evicting the petitioner from the premises on the basis of the same. The initial payment made by the petitioner was not refunded. Therefore, as found in the order of this Court in W.P.No.12706 of 1996, dated 04.08.2003, non service of notice before cancellation of allotment order as well as the non service of cancellation order itself bad. Hence, the impugned action of the respondents without notice is violative of principles of natural justice and hence, the same is set aside. However, liberty is granted to the respondents to take appropriate action in conformity with the principles of natural justice.



With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.
2. The Estate Officer,
Tamil Nadu Clearance Board,
No.212, R.K.Mutt Salai,
Mylapore, Chennai - 600 004.

+1 CC to Mr.S. Thiruvengadam, Advocate sr 17258
+1 CC to Mr.L. Chandrakumar, Advocate sr 17230.
+1 cc to Mr.R.Sivakumar, Advocate sr 17617

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GPL (CO)
SP(21/04/2022)