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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.7479 of 2022

and

W.M.P.Nos.7483 & 7484 of 2022

B.Rani

... Petitioner

Vs

Tamilnadu Slum Clearance Board,
Represented by its Chairman,
No.5, Kamarajar Salai,
Chepauk, Chennai - 600005.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to quash the order passed by the Respondent dated 21.01.2021 bearing Letter No. A2/008/2021/A.A9 rejecting the allocation of the premises to the Petitioner as illegal and arbitrary and, consequently, directing the Respondents to allocate the subject residential unit in the name of the Petitioner.

For Petitioner : Mr.Anirudh Krishnan

For Respondent : Ms.D.Latha
Standing Counsel

O R D E R

Read this order in conjunction with order dated 30.03.2022 that reads as follows:

'Ms.D.Latha, learned Standing Counsel accepts notice for the respondent and seeks some time to obtain instructions and file a counter.

2. Upon hearing Mr.Anirudh Krishnan, learned counsel for the petitioner and Ms.D.Latha, learned Standing Counsel for the respondent, it appears that the impugned communication dated 21.01.2021, by



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itself, provides for an avenue of relief to the petitioner.

3. In the penultimate paragraph, the authority rejects the request of the petitioner for allotment of a unit at property bearing no.12844, Kannagi Nagar, Okkiyam, Thoraipakkam, Chennai-600097 (property in question) on the ground that her name does not figure in the list of beneficiaries.

4. However, in the concluding paragraph, the authorities call upon the petitioner to appear before them with all documents in support of her contention to consider whether she may continue to reside in the unit, under a change of name.

5. Hence, let the petitioner appear before the respondent on Wednesday, the 6th of April, 2022 at 10.30 a.m. without awaiting any further notice in this regard with all documents in her possession including the 'fpiuag; gj;jpuk;' dated 31.03.2009 that she relies upon to establish her right of occupation. Upon hearing her and considering the documents, let the petitioners' case be considered and an order passed within a period of one week therefrom.

6. List this matter on 18.04.2022 for production of orders.'

2. A statement has been recorded from the petitioner on 12.04.2022, wherein the petitioner has undertaken to settle the arrears of maintenance and all other statutory charges within a period of one month. Upon compliance of this condition, the authorities have agreed to allot the property in question in favour of the petitioner.

3. A request is made today by the learned counsel appearing on behalf of the petitioner, for additional time to settle the arrears citing financial stringency. The arrears amount to a sum of Rs.50,690/-, that constitute arrears of maintenance charges of Rs.250/- per month, payable in respect of 169 months, as well as other statutory levies. Learned counsel assures the Court on behalf of the petitioner, that the amount will be settled within a period of three months from today. This is recorded. In addition to the aforesaid remittance, needless to say, the petitioner will settle current charges both in respect of maintenance and other consumption, regularly.

4. The authorities, upon compliance of the above, will take steps to allot the premises in question in the name of the petitioner within a period of four weeks from the date of compliance by the petitioner.



5.This writ petition is disposed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

vs/jeni

To

The Chairman,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chepauk, Chennai - 600005.

+1cc to Mr.Anirudh Krishnan, Advocate, S.R.No.26574

+1cc to M/s.D.Latha 26124, Advocate, S.R.No.26124

W.P.No.7479 of 2022
and
W.M.P.Nos.7483 & 7484 of 2022

SPD(CO)
SU(26/04/2022)