

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.5156 of 2013

and

M.P.No.1 of 2014

Tamil Nadu Slum Clearance Board Cottage
Industries Allottees Association, Rep. by its
President Mr.K.Ramakrishnan, No.876/1, 9th Street,
S.A.Colony, Vyasarpadi,
Chennai-39.

...Petitioner

[President Name Suo Motu Substituted vide order dated
17.12.2021 made in W.P.No.5156 of 2013]

Vs.

1. Tamil Nadu Slum Clearance Board
Represented by its Chairman
No.5, Kamarajar Salai,
Chennai 600 005.

2. Government of Tamil Nadu,
Represented by its Principal Secretary
Housing and Urban Development
Department, Fort St. George
Chennai 600 009.

...Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India for issuance of a Writ of Certiorarified
Mandamus, calling for the records in the impugned proceedings
No.29175/Ku.Ma.1 (1)/2009-9 dated 02.04.2012 on the file of the
2nd respondent and quash the same and direct the respondents to
sell the various extents of land of cottage industrial sheds to
the members of the petitioner association namely the allottees
at the rate of Rs.800/- per sq. metre as originally approved and
sanctioned by the 1st respondent in the year 2001.

For Petitioner : M/s.S.Sadasharam

For Respondent 1 : Mr.S.Prabhu

For Respondent 2 : Mrs.N.Senthil Selvi
Government Advocate

O R D E R

The writ petition has been filed questioning the validity of the order dated 02.04.2012 rejecting the request of the petitioner association for selling the land of cottage industrial sheds to the members of the petitioner association.

2. The writ petitioner is an Association and the member of the association having their respective cottage industries and in occupation of sheds allotted to them by the Tamil Nadu Slum Clearance Board.

3. The learned counsel appearing on behalf of the petitioner association made a submission that, pursuant to the representation submitted by the writ petitioner, actions were taken by the Government and the Government also considered the case of the writ petitioner for selling of the land allotted to the members of the association. Therefore, decision of the Government in this regard has to be given effect to. However, the 2nd respondent rejected the request made by the petitioner association and thus, the petitioner association is constrained to move the present writ petition.

4. Allotment or selling of the land by the Tamil Nadu Slum Clearance Board is a policy decision and can never be claimed as right of allotment, which is granted on certain terms and conditions. Selling of the allotted lands in favour of the allottees is a policy decision, taken by the Government and no one can claim it as a matter of right. The said decision is clarified by the 1st respondent in his counter affidavit more specifically in paragraph nos.7 and 8, which reads as under:

"7. I submit that Proposal of the Board was scrutinized by the Government and advised to sent proposal by fixing the land cost as per the Guideline Value or Market Value which ever is higher as on 01.08.2017 and as per the Government advise by Board proceedings No.14/428, dated: 06.05.2009 the Proposal was sent to the Government to fix the Land cost as per the Guide line Value or Market value which ever is higher as on 01.08.2007.

8. I submit that the Board Proposal was scrutinized by the Government i.e., the 2nd Respondent herein and the 2nd Respondent passed the order stating that the proposal to sell the land of the Cottage Industries Sheds has been rejected as a Policy Decision of the Government and instructed the Board to recover the encroached lands and to do Development

activities in accordance with CMDA rules and to fix the Rent as per the Public Works Department Rules and to take necessary action for continuous functioning of the Cottage Industries Sheds as per the Board Rules."

5. This apart, the 2nd respondent has also filed a counter categorically stating that the subject lands are located in Prime residential areas, where the price of land is high, there is every possibility that it may be transferred for other purpose (Residential, Commercial) which will defeat the aim of the Board in allotting the CI sheds to the slum people.

6. When the reasons stated are convincing and further, the selling of the land is a policy decision, the petitioner association cannot maintain the writ petition for the purpose of getting the relief as it prayed for in the present writ petition. This being the facts and circumstances, the petitioner association has not made out any acceptable grounds for considering the relief.

7. Accordingly, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Jeni/Kan

To

1. The Chairman
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai, Chennai 600 005.
2. The Principal Secretary
Government of Tamil Nadu,
Housing and Urban Development
Department, Fort St. George, Chennai 600 009.

+1cc to M/s.S.Sadasharam, Advocate, S.R.No.2960
+1cc to Mr.S.Prabhu, Advocate, S.R.No.2943
+1cc to the Government Pleader, S.R.No.4009

W.P.No.5156 of 2013

PMK[co]
NSK 31/01/2022