



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.9216 of 2019
and
W.M.P.No.9760 of 2019

A.Anjali

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
Chennai-5.

2. M.Mangalraj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's representation dated 22.02.2019.

For Petitioner	:	Mr.M.Selvam
For Respondent 1	:	Ms.D.Latha
		Standing Counsel
For Respondent 2	:	Mr.KBalaji

O R D E R

Heard Mr.M.Selvam, learned counsel for the petitioner, Ms.D.Latha, learned Standing Counsel for R-1 being the Tamil Nadu Slum Clearance Board and Mr.Balaji, learned counsel for the private respondent/R-2.

2. The petitioner seeks a mandamus directing the 1st respondent to dispose her representation dated 22.02.2019. R1, in the counter dated 15.02.2022 does not express any objection in regard to the request contained in the petitioner's representation seeking a survey and verification of the property in Plot Nos.38, 38-A and 39, Vanniyar Teynampettai, Chennai-600 018 (property/property in question).

3.No counter has been filed by R-2, but learned counsel



appearing for R-2 serves a copy of the plaint in O.S.No.5246 of 2020 filed by this very petitioner, wherein, the officials of the Tamil Nadu Slum Clearance Board are arrayed as defendants 1 to 6 therein. The prayer of the suit is for a permanent injunction restraining the defendants therein, their men, officials, delegates, agents, servants, assigns or any other person claiming through them from in any way proceeding with the allotted area in the suit schedule property, being Plot Nos.39, and for costs of the suit.

4. In light of the fact that there appears to be some identity between the properties covered in the suit pending adjudication in the Civil Court and the present writ petition, I am of the view that it would be best that the Civil Court adjudicate upon and decide the issues.

5. Having said so, the specific prayer of the petitioner for measurement of Plot No.39 is not objected to by R-1, who expresses willingness to engage in the exercise of verification and measurement of the same. Let this exercise be carried out as it would aid in disposal of the suit and provide clarity on the extent of the plots.

6. The counter of R-1 admits to the plan issued originally being incorrect insofar as it had not taken note of Plot No.38-A, which is stated to be in the rear of Plot Nos.38-A and 39. At paragraph 26, they have stated that the layout is proposed to be revised including the said plot, and such rectification is proposed to be carried out after undertaking survey and verification.

7. Seeing as the matter is pending before the Civil Court, it would not be appropriate for R-1 to engage in the issuance of revised layout as proposed. This exercise must await finalisation of the civil suit. The exercise of verification of the plots and measurement will be undertaken and the result thereof produced before the IV Assistant City Civil Court, Chennai before which O.S.No.5246 of 2020 is pending within a period of six weeks from today.

8. This Writ Petition stands disposed as aforesaid. No costs. Connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar



Jeni/Svn

To

The Managing Director,
Tamil Nadu Slum Clearance Board,
Chennai-5.

Copy to:-

The IV Assistant City Civil Court, Chennai.

+1cc to Mr.M.Selvam, Advocate, S.R.No.19965

+1cc to Ms.D.Latha, Advocate, S.R.No.19790

+1cc to Mr.KBalaji, Advocate, S.R.No.19561

W.P.No.9216 of 2019

GPL (CO)

CT 26/04/2022

27/04/2022