



WEB COPY



W.P.No.30819 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.30819 of 2014
&
M.P.Nos.1 and 2 of 2014

S.Pandiaraj

... Petitioner

Vs.

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

2.A.Palani

3.R.Mohan

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in his proceedings Na.KA.2622/1955/E2 dated 14.03.1995 and quash the same and thereby directing the first respondent to allot the said plot in favour of the petitioner on any terms and conditions as this Court may deem fit and proper.

For Petitioner : Mr.Fredrick Russel Lionel

For Respondents : Mr.G.Sivakumar for R1

MR.B.Janakiram for R2 and 3



W.P.No.30819 of 2014

ORDER

WEB COPY

Writ Petition is filed, seeking to call for the records of the first respondent in his proceedings Na.KA.2622/1955/E2 dated 14.03.1995 and quash the same and thereby directing the first respondent to allot the said plot in favour of the petitioner.

2. The case of the petitioner is that the petitioner is in possession of the property for more than twenty years. However, the 3rd respondent got allotment in his favour. The 3rd respondent pursuant to his allotment of the plot, has been evicted the petitioner from the premises. The petitioner already filed a suit in O.S.No.5393 of 1996 before the IV Assistant City Civil Court, Chennai and also R.C.O.P.No.2727 of 1995 against the 2nd respondent. Hence, seeks a direction to the 1st respondent to allot a plot to the petitioner.

3. Learned counsel appearing for the respondents 2 and 3 would submit that petitioner is only a tenant under the 2nd respondent and he has already been evicted and the Writ Petition is nothing but suppression of material facts. He already filed suit in O.S.No.15726 of 1996, the said suit has been dismissed as withdrawn on 28.06.2001. Similarly, another suit in



W.P.No.30819 of 2014

O.S.No.5393 of 1996 was filed, it is also dismissed as settled out of Court and further it is the contention that no application has been made for any such allotment. Therefore, he cannot as a matter of fact seek allotment.

4. When the Court has posed a question to the petitioner as to whether any application has been given for allotment, the petitioner however would submit that no application has been filed. Since he was in possession, he is entitled for allotment.

5. The petitioner who is a tenant under the 2nd respondent is not been disputed. The suit filed and the copy of the judgment indicate that he had already filed a suit for declaration and permanent injunction and some how or other suit was got dismissed as withdrawn and another suit was dismissed as settled out of Court. These facts really indicate that petitioner has already received some consideration and settled the suit. Be that as it may, as no applications were pending, merely on the basis of his possession, he cannot claim allotment by way of Writ Petition.

Accordingly, Writ Petition is dismissed. No costs. Consequently,



W.P.No.30819 of 2014

connected miscellaneous petitions are closed.

WEB COPY

28.09.2022

kpr

Internet: Yes

Speaking/Non speaking order

To

1. The Chairman

Tamilnadu Slum Clearance Board

No.5, Kamarajar Salai, Chennai-600 005



WEB COPY



W.P.No.30819 of 2014

N. SATHISH KUMAR, J.

kpr

W.P.No.30819 of 2014
&
M.P.Nos.1 and 2 of 2014

28.09.2022