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WA No.1870 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

WA No.1870 of 2013

Fazial Hussain

... Appellant

versus

- 1.The Government of Tamil Nadu,
Represented by the Secretary,
Revenue Department,
Fort St.George, Chennai-600 009.
- 2.The Collector,
Kancheepuram,
Kancheepuram District.
- 3.The Tamil Nadu Slum Clearance Board,
Represented by its Chairman,
No.5, Kamaraj Salai, Chepauk,
Chennai-600 005.
- 4.The District Revenue officer,
Collectorate,
Kancheepuram,
Kancheepuram District.
- 5.The Tahsildar,
Sholinganallur Taluk,
Kancheepuram District.

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6.The President,
Perumbakkam Panchayat Union,
Sholinganallur Taluk,
Kancheepuram District.

... Respondents

PRAYER: Writ Appeal filed against the order of the learned Single
Judge dated 27.11.2012 in WP No.8668 of 2012.

For the Appellant :Mr.B.Balachander

For Respondents :Mr.S.Ravichandran
Additional Government Pleader
for respondent Nos.1,2,4 and 5
Mr.S.Karthikeyan,
Standing Counsel
(Tamil Nadu Slum Clearance Board)
for third respondent

JUDGMENT

(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

The Writ Appeal has been filed challenging the order dated
27.11.2012 passed by the Writ Court in WP No.8668 of 2012.

2. Today, when the matter was taken up for final disposal,
learned counsel for the appellant has fairly stated before this Court
that the respondent Board has now come forward to provide
alternative accommodation to the appellant in the tenements
constructed by the Tamil Nadu Slum Clearance Board.

3. Learned counsel for the respondent Board would submit that



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alternative accommodation for the appellant is still available with the respondent Board in the said tenement.

4. It is agreed by the respondent Board that if the appellant pays the beneficiary costs to the respondent Board for the said tenement within two weeks' time, allotment order would be issued to the appellant within a period of three weeks thereafter.

5. In default of payment of beneficiary costs by the appellant to the respondent Board, the respondent Board is permitted to proceed in accordance with law for evicting the appellant from the said land in question.

6. In view of the above, this Court is inclined to pass the following directions:

i) The respondent Board is directed to serve notice to the appellant within a period of two weeks from the date of receipt of a copy of this judgment.

ii) The appellant Board shall indicate the beneficiary costs to be



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paid by the appellant;

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iii) On receipt of such notice, the appellant shall pay the beneficiary costs as contemplated by the respondent Board, within a period of two weeks from the date of receipt of the notice;

iii) On payment of such amount by the appellant to the respondent Board, the respondent Board shall consider and allot the tenement to the appellant, within a period of three weeks thereafter.

7. With the above, the writ appeal stands disposed of. There will be no order as to costs. Consequently, M.P.No.1 of 2013, is closed.

[D.K.K., J.] [P.B.B., J.]
25.09.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn

D.KRISHNAKUMAR, J.



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and

P.B. BALAJI

(mrn)

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