



WEB COPY



W.P.No.1307 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.1307 of 2020
and
W.M.P.No.1568 of 2020

P.Murugesan

... Petitioner

vs.

1.Tamil Nadu Slum Clearance Board,
Represented by its Managing Director,
Santhome High Road,
Chennai – 600 005.

2.The Superintendent Engineer,
Division – II,
Tamil Nadu Slum Clearance Board,
13th Sector, K.K.Nagar,
Chennai – 600 078.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent herein culminating in Na.Ka.No.490/A3/2019/D-2 dated 04.11.2019 and to quash the same and consequently, direct the respondents herein to allot a flat in the Prime Minister's Home for all Scheme under construction in Chennai Corporation Division No.142, Dobigana, Saidapet, Chennai – 600 015.



WEB COPY



W.P.No.1307 of 2020

For Petitioner : Mr.M.Santhanaraman
For Respondents : Mr.G.Venkatesan
Standing Counsel

ORDER

This Writ Petition has been filed seeking a Writ of Certiorarified Mandamus, to call for the records of the second respondent herein culminating in Na.Ka.No.490/A3/2019/D-2 dated 04.11.2019 and to quash the same and consequently, direct the respondents herein to allot a flat in the Prime Minister's Home for all Scheme under construction in Chennai Corporation Division No.142, Dobigana, Saidapet, Chennai – 600 015.

2. The case of the petitioner is that, he is a Washerman by profession and have been in this avocation for the past three decades. The first respondent herein based on the Prime Minister's Home for all Scheme has initiated the process for construction of 272 houses at Dobigana area in the Saidapet at the cost of Rs.2720 lakhs and each house consist of 394 sq.ft. and the approximate cost of each house is Rs.10.63 lakhs, out of which, the State and Central Government subsidy is Rs.1.50 laksh and Rs.6 lakhs respectively and the beneficiary should contribute Rs.3.13 lakhs. The said



W.P.No.1307 of 2020

scheme is exclusively meant for providing home for washermen in the city of Chennai. The respondents herein have said to have identified the beneficiaries through the Social Development Officers and Assistant Engineers of the Slum Clearance Board by visiting the residents of the washermen colony. The petitioner is a member of the Saidapet Washermen Welfare's Society from 1991 and his membership number is 395. He came to know that the respondents herein have identified 272 beneficiaries in the housing scheme and on enquiry, he came to know that most of the beneficiaries identified by the respondents are not at all doing washermen avocation and they are doing some other job including the government service. While so, his older brother employed in New India Insurance Company and none of his family members are into the washermen job, has been selected as one of the beneficiaries in this scheme, even though they are not residing in the said area. Hence, the petitioner sent a representation dated 17.09.2019 to the first respondent requesting him to allot one house in this scheme. However, the said representation was rejected by the first respondent on the ground that the petitioner is not residing in Dobigana area. Challenging the same, the present writ petition is filed.



W.P.No.1307 of 2020

3. The learned counsel for the petitioner submits that, the rejection order is passed solely on the ground that the petitioner is not residing in the said area. However, from the typed set of papers filed by the respondents, it is clear that the petitioner is a resident of the said area and enumeration of beneficiaries form shows that the petitioner is entitled for benefit along with one Janaki. Now, the said Janaki passed away. However, the impugned order is contrary to the enumeration of beneficiaries form published by the respondents. Therefore, the present impugned order can be set aside and the matter can be remanded to the authorities for passing fresh orders based on the enumeration of beneficiaries form issued by the first respondent.

4. The learned Standing Counsel appearing for the respondents fairly submits that the petitioner is a beneficiary as per the enumeration list. However, the impugned order is passed without considering the enumeration list. Accordingly, he prays for appropriate orders.

5. Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing for the respondents and perused the materials available on record.



W.P.No.1307 of 2020

WEB COPY

6. A perusal of the enumeration of beneficiaries form issued by the first respondent, reveals that the names of the petitioner and his wife were found in the enumeration list. However, without considering the same, the second respondent mechanically passed the impugned order, which is not sustainable and the same is liable to be set aside.

7. Accordingly, the impugned order passed by the second respondent in Na.Ka.No.490/A3/2019/D-2, dated 04.11.2019, is set aside and the first respondent is directed to conduct enquiry with all the legal heirs including the petitioner and allot a house in favour of the eligible person, within a period of six (6) weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

06.06.2023

Index : Yes/No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
sp



WEB COPY



W.P.No.1307 of 2020

M.DHANDAPANI, J.

sp

To

- 1.The Managing Director,
Tamil Nadu Slum Clearance Board,
Santhome High Road,
Chennai – 600 005.
- 2.The Superintendent Engineer,
Division – II,
Tamil Nadu Slum Clearance Board,
13th Sector, K.K.Nagar,
Chennai – 600 078.

W.P.No.1307 of 2020
and
W.M.P.No.1568 of 2020

06.06.2023