



W.P.No.4065 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.04.2023

C O R A M

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

W.P.No.4065 of 2020

and W.M.P.No.4804 of 2020

Tamil Nadu Adhi Andhra Maha Sabha,
Rep by its President Shri.A.Obaish,
Office at No.77/8, Pensioners Lane,
III Cross Street,
Old Washermenpet,
Chennai-600 021.

... Petitioner

Vs

1. The Chairman,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai, Triplicane,
Chennai-600 005.

2. The District Collector,
Collector Office,
Chennai District,
Kamarajar Salai,
Chennai-600 001.

(R2 impleaded vide order dated 18/3/2021 made
in W.M.P.No.7679/2020 in W.P.No.4065/2020)

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari or any other appropriate Writ, order or direction of like nature calling for the records pertaining to the order passed in Na.Ka.No.G5/18125/2019 dated 06.02.2020 on the file of the Respondent Board to quash the same and consequently direct the Respondent Board to allot Residential Flats to the Petitioner's members in “Central Government Prathama Manthiri Avesa Yosana Thittam” at Katpada part, Kathivakkam Salai, Chennai or any other place of City of Chennai.

For Petitioner ... M/s.M.Chidambaram

For Respondents ... Mr.G.Venkatesan for R1

... Mr.K.M.D.Muhilan,
Additional Government Pleader for R2.

ORDER

Aggrieved by the impugned order of the 1st respondent, the petitioner is before this Court.

2. It is the case of the petitioner that the petitioner society registered under the Tamilnadu societies registration act which is functioning for the



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welfare of the poor families. The members of the petitioner are working as Coolie in private company and they are not able to afford housing facility which are available only at high cost. The respondent has undertaken initiatives for construction of flats for downtrodden persons and persons who have unauthorizedly put up huts in the city of Chennai they have been allotted with flats constructed by the 1st respondents. Though the petitioner has made representation to the respondent for allotment however, no allotment was given. The respondent is presently constructing more than thousand residential flats at various places. In order to accommodate the members of the petitioner society, the petitioner gave a representation which did not evoke any response. Therefore, the petitioner filed a Writ Petition in W.P.No.2088 of 2020 and this Court directed the respondent counsel to submit the status of the case whereupon the respondent board sent a reply on 06.02.2020 resulting in the petitioner withdrawing the said Writ Petition. Challenging the said letter dated 06.02.2020, the present Writ Petition has been filed.

3. Learned counsel for the petitioner submits that the respondent failed to take note that the members of the petitioner society are poor citizens who cannot afford residential apartments for rent and that the persons who are



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unauthorizedly occupying the various places in Chennai by putting up huts have been allotted with flats constructed by the respondent board. However, the petitioners have been discriminated merely because they are Telugu speaking people. There is a clear violation of equality enshrined under Article 14 and the rights guaranteed under Article 19 have not been given to the petitioner. Therefore, the impugned order passed by the respondent show clear non-application of mind and deserves to be quashed.

4. Basing the arguments on the counter affidavit, learned counsel for the 1st respondent submit that the flats put up by the respondent board are only for the purposes of the unauthorized occupants who have put up huts in and around the Chennai city and it is only for poor people. Since, the petitioner does not fulfill the criteria, the petitioner was not allotted any flats. Further, individual members have not given representations and petitioner society has given representation on which the respondents cannot act upon to ascertain the status of the individuals. Therefore, there is no infirmity in the order passed by the respondent board.



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5. This Court gave its anxious consideration to the contentions advanced by the learned counsel appearing on either side and perused the materials available on record.

6. A careful perusal of the impugned order reveals that the respondents have clearly stated that the flats are meant only for people who have put up objectionable tenements in and around the Chennai City and such unauthorized persons have been accommodated in the flats. It further transpires from the impugned order that the petitioner does not fulfill the relevant criteria for being allotted a flat which is being put up by the respondents. Further, the individual members of the petitioner society have not filed any individual application before the respondents and the petitioner society has filed it on behalf of the members of the society which cannot be the basis for the respondent to allot any flats.

7. On holistic consideration of the entire materials available on record, the order of the respondents cannot be found fault with as proper reasons have been given for rejecting the representation of the petitioner. However, this Court



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grants liberty to the individual members of the petitioner society to file a representation for allotment of flats constructed by the 2nd respondent and if they fulfill within the criteria prescribed by the respondents, the respondents may consider the representation and pass appropriate orders in accordance with law.

8. Accordingly, this Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

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Index:Yes/No

Internet:Yes

NHS



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