



WEB COPY

WP.No.25738 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.01.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.25738 of 2015 and
MP.No.1 of 2015

K.Rani

... Petitioner

Vs

1.The Chairman,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai, Chennai-5.

2.The Collector of Chennai,
Rajaji Salai, Chennai-1.

3.The Secretary,
Tamil Nadu Urban Habitat Development Board,
Formerly known as Tamil Nadu Slum Clearance Board,
Kamarajar Salai, Chennai-5.

... Respondents

(R3 Suo motu impleaded vide order dated 13.12.2022

Made in WP.No.25738 of 2015 by this Court)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the respondents to grant an
order of allotment for the plot No.87, Vinayagapuram 1st Street, Arumbakkam,
Block No.1, S.No.11, Chennai-106 and also sale deed on receipt of cost of the
land.

For Petitioner : Mr.G.Appavu

For Respondents : Mr.B.Balaji (for R1 & R3)
For Mr.S.Karthikeyan

ORDER



Read this order in continuation of and in conjunction with order dated

13.12.2022 reading as follows:

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In the Writ Petition, the petitioner seeks a mandamus directing the respondents to grant an order of allotment in respect of plot No.87, Vinayagapuram 1st Street, Arumbakkam, Block No.1, S.No.11, Chennai - 106 (plot/plot in question) and execute a sale deed upon receipt of cost of land from her.

2. A counter has been filed by R1, the Chairman/Tamil Nadu Slum Clearance Board (in short 'Board'). The stand taken by R1 is that the plot in question has been allotted to one Ramadoss as per the eligible list prepared by the Special Tahsildar, Chennai District in the year 1984.

3. It is unknown as to whether any sale deed was executed with the said Ramadoss and what consideration has been received from him. The petitioner has made a similar request for allotment as made in the present Writ Petition even before the respondents and enquiry is stated to be on-going to determine who the occupant of the property is, and other relevant parameters.

4. In such circumstances, the Secretary, Tamil Nadu Urban Habitat Development Board, formerly known as Tamil Nadu Slum Clearance Board, Kamarajar Salai, Chennai - 5, who, according to the learned counsel for the respondents, is the appropriate party to look into the request of the petitioner, is impleaded suo motu as R3 in the Writ Petition. Mr.Balaji, learned counsel on behalf of Mr.Karthikeyan, learned Standing Counsel accepts notice for the newly impleaded R3.

5. To facilitate the enquiry, the petitioner is directed to appear before the newly impleaded R3 on 16.12.2022 at 10.30 a.m. without expecting any further notice in this regard. After hearing the petitioner, R3 will pass orders on the request of the petitioner on or before 11.01.2023.

6. The present Miscellaneous Petition has been filed seeking impleadment of the said Ramadoss, who is the original allottee. However, both Mr.Appavu, learned counsel for the



petitioner and Mr.Balaji, learned counsel for R1 and R3 agree with the position that the said Mr.Ramadoss is no more. Hence, the Miscellaneous Petition is closed as infructuous.

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7. List the Writ Petition on 12.01.2023 under the caption 'for production of orders'.

2.Learned counsel for R1 and R3 produces a copy of the order dated 04.01.2023 that has been served on the petitioner, adverse to his interest. With this, the mandamus as sought for in this writ petition is not liable to be issued. However, the petitioner is always at liberty to challenge order dated 04.01.2023 in a manner known to law.

3.This writ petition is dismissed. No costs. Connected miscellaneous petition is closed.

12.01.2023

Index : Yes/No
Speaking Order
vs

To

1.The Chairman,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai, Chennai-5.

2.The Collector of Chennai,
Rajaji Salai, Chennai-1.

3.The Secretary,
Tamil Nadu Urban Habitat Development Board,
Formerly known as Tamil Nadu Slum Clearance Board,
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Dr.ANITA SUMANTH,J.



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