



WEB COPY

W.P.Nos.281 to 284 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.281 to 284 of 2012
and
W.P.M.P.Nos.1, 1, 1 & 1 of 2012

- | | |
|--------------------|--|
| 1.K.Nirmala | ... Petitioner
(W.P.No.281 of 2012) |
| 2.Krishnan | ... Petitioner
(W.P.No.282 of 2012) |
| 3.V.Sathiya Prasad | ... Petitioner
(W.P.No.283 of 2012) |
| 4.Yoganandan | ... Petitioner
(W.P.No.284 of 2012) |

Vs.

- | | |
|---|---------------------------------|
| 1.The Managing Director
The Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai – 600 005. | |
| 2.The Managing Director,
Chennai Metropolitan Water
Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai – 600 002. | ... Respondents
(in all WPs) |



Prayer in W.P.No.281 of 2012: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent-Slum Clearance Board to issue allotment order for tenement bearing No.12158 at Kannagi Nagar, Okkiam Thoraipakkam, Chennai-97 to the petitioner and put the petitioner in possession of the same.

Prayer in W.P.No.282 of 2012: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent-Slum Clearance Board to issue allotment order for tenement bearing No.12156 at Kannagi Nagar, Okkiam Thoraipakkam, Chennai-97 to the petitioner and put the petitioner in possession of the same.

Prayer in W.P.No.283 of 2012: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent-Slum Clearance Board to issue allotment order for tenement bearing No.12157 at Kannagi Nagar, Okkiam Thoraipakkam, Chennai-97 to the petitioner and put the petitioner in possession of the same.

Prayer in W.P.No.284 of 2012: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent-Slum Clearance Board to issue allotment order for tenement bearing No.12155 at Kannagi Nagar, Okkiam Thoraipakkam, Chennai-97 to the petitioner and put the petitioner in possession of the same.



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For Petitioners	: Ms.Sarojini For Mr.K.Govindan (in all WPs)
For R1	: Mr.S.Karthikeyan Standing Counsel [For TNSCB] (in all WPs)
For R2	: Mr.N.Paul Sundar Singh Standing Counsel (in all WPs)

COMMON ORDER

The relief sought for in these present writ petitions is to direct the 1st respondent / Slum Clearance Board now renamed as Urban Habitat Development Board to issue allotment order for tenement bearing Nos.12155, 12156, 12157 and 12158 at Kannagi Nagar, Okkiam Thoraipakkam, Chennai-97 and put the petitioners in possession of the same.

2. The petitioners state that they all belong to Economically Weaker Section. They have been in continuous possession and enjoyment of the houses at Door Nos.67-C, 67-A, 67-D and 67-B, Samidosspuram, Kilpauk, Chennai – 10 respectively and were residing along with their family members. The said lands belongs to the Water Board and so the petitioners were evicted



from the said premises for the purpose of development to be carried out by the Chennai Metropolitan Water Supply and Sewerage Board.

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3. The learned counsel for the petitioners states that the petitioners are eligible for allotment of tenement at Kannagi Nagar, Okkiam Thoraipakkam. The authorities have not considered their cases for allotment and therefore, the petitioners have chosen to file these writ petitions.

4. This Court passed an interim order on 11.03.2020 granting liberty to the writ petitioners to file a fresh application for allotment before the 2nd respondent namely the Managing Director, Chennai Metropolitan Water Supply and Sewerage Board along with all necessary documents, proof of residence being residing for 5 years from the date of eviction and other documents.

5. When the matter is listed today after a lapse of more than two and half years, the learned counsel for the petitioners states that the petitioners had not submitted any applications and two weeks is required for submitting applications. It is made clear that the petitioners had not submitted any applications pursuant to the interim order passed by this Court on 12.03.2020.



6. The learned counsel for the petitioners states that due to Covid-19 pandemic, the petitioners had not submitted any applications. The said reason is not convincing and more so, an inference is to be drawn. The petitioners neither pursued nor is interested in pursuing the issue. More so, allotment can never be claimed as a matter of right. All allotments are to be made strictly in accordance with the rules in force.

7. Many similarly placed persons are waiting for their allotment by submitting their respective applications. The eligible applicants, who have submitted their applications are also to be considered in the order of seniority and by following the rules in force. The Urban Habitat Development Board has to consider every application strictly in accordance with the rules in force and by considering the eligibility and other criteria fixed. Violation in the matter of allotment is to be viewed seriously. Any such violation would cause infringement of the right of other eligible persons, who all waiting for allotment. Thus, the authorities are expected to follow the rules scrupulously at the time of granting allotment to all the poor eligible persons, who have submitted their respective applications. Any kind of favouritism or nepotism



would be considered as corrupt practices and the officials, who are indulging in such activities are to be prosecuted under the relevant law.

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8. If at all the petitioners submit any applications hereinafter, the said applications are to be considered in accordance with the rules and by following the procedures as contemplated. As of now the petitioners had not submitted any application pursuant to the interim order passed by this Court on 11.03.2020. More so, the relief as such sought for to direct the Managing Director to grant allotment cannot be considered by this Court. Allotment *per se* cannot be claimed as a matter of right and it is subject to the eligibility and other criteria's fixed by the authorities.

9. With these observations, these Writ Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

06.03.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

1.The Managing Director



W.P.Nos.281 to 284 of



The Tamil Nadu Slum Clearance Board,
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2. The Managing Director,
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S.M.SUBRAMANIAM, J.

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