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W.P.No.9710 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9710 of 2019

M.Ramesh

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai – 600 005.

2.The Estate Officer – VIII,
Tamil Nadu Slum Clearance Board,
Sivalingapuram,
K.K.Nagar,
Chennai – 600 078.

3.G.Savithri

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to conduct enquiry in terms of Tamil Nadu Slum Areas (Improvement and Clearance Act 1971) with reference to regularisation of the plot no.2196 made in favour of the third respondent and to revoke the allotment of the plot no.2196 made in favour of the third respondent and consequently to direct the respondents 1 and 2 to re-allot the plot no.2196 MGR Nagar Scheme, Chennai – 600 078 in favour of the petitioner.



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W.P.No.9710 of 2019

For Petitioner : Mr.G.Ravisankar
For Respondents : Mr.G.Venkatesan for R1 and R2
Mr.R.Gopinath for R3

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to conduct enquiry in terms of Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971 with reference to regularisation of plot no.2196 made in favour of the third respondent and to revoke the allotment of plot no.2196 made in favour of the third respondent and consequently to direct the respondents 1 and 2 to re-allot plot no.2196 MGR Nagar Scheme, Chennai – 600 078 in favour of the petitioner.

2.The learned counsel appearing for the petitioner submitted that during the pendency of this writ petition, the petitioner passed away. Hence, this Court may permit the legal heirs of the petitioner to file appropriate representation to the first respondent and issue direction to the first respondent to consider the same and to pass appropriate orders.



W.P.No.9710 of 2019

3.The learned counsel appearing for the third respondent submitted that already the plot was allotted to the third respondent and the same was disturbed by the petitioner and hence, the third respondent filed suit before the competent Court and the suit was decreed in favour of the third respondent. Challenging the same, the petitioner filed appeal and the appeal was allowed as against which, the third respondent filed second appeal and the second appeal was allowed in favour of the third respondent. Thereafter, the petitioner filed writ petition and the writ petition was dismissed, as against which, the petitioner filed writ appeal and that writ appeal was also dismissed. Hence, this Court may grant liberty to the third respondent to canvass all the points before the first respondent, if any application is made by the legal heirs of the petitioner before the first respondent.

4.In view of the above, this Court permits the legal heirs of the petitioner to file appropriate representation to the first respondent. If any representation is made by the legal heirs of the petitioner, opportunity may be given to the third respondent before passing orders.



WEB COPY



W.P.No.9710 of 2019

M.DHANDAPANI,J.
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5.The writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petition/s is/are closed.

05.04.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

- 1.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai – 600 005.
- 2.The Estate Officer – VIII,
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Sivalingapuram,
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W.P.No.9710 of 2019

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