



W.P.No.16980 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.16980 of 2023
and W.M.P.No.16182 of 2023

- 1.K.Praveen Kumar
- 2.A.Moosa
- 3.S.Manoharan
- 4.S.Radhakrishnan
- 5.M.Manimegalai
- 6.Pechimuthu
- 7.S.Gomathi
- 8.K.Ulaganathan
- 9.R.Punitha
- 10.M.Usha
- 11.S.Sethumathavan
- 12.N.Arul
- 13.Sakthi Subhasini
- 14.P.Palanisamy
- 15.N.Anbalagan
- 16.K.Balakrishnan
- 17.S.Kannammal
- 18.S.Thilak Kumar
- 19.G.K.Rajalingam
- 20.S.Navaneethan
- 21.B.Tamilanban
- 22.A.Kamalutheen
- 23.R.Kannammal
- 24.M.Selvaraj
- 25.K.Sahulhameed
- 26.C.Deivamani
- 27.Kaja Hussain
- 28.N.Gurunathan



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29.G.Murugesan
30.R.Mareeshwari
31.P.Ravi
32.A.Kaseem
33.A.Kaja Hussain
34.C.B.Kaja
35.P.Rajan
36.Sakila

... Petitioners

Vs.

- 1.The Secretary to Government,
Housing and Urban Development Department,
Secretary to Government,
Saint George Fort,
Chennai – 600 009.
- 2.The Managing Director,
Tamil Nadu Slum Clearance Board,
Now, Tamil Nadu Urban Habitat Development Board,
Kamaraj Salai,
Chennai – 600 005.
- 3.The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Now, Tamil Nadu Urban Habitat Development Board,
No.397 A North Residence Area,
Selvapuram North,
Coimbatore – 641 026.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to issue allotment order to the petitioners in pursuance to the Membership card issued by the third respondent at IUDP Colony, Coimbatore Division based on the representation dated 20.10.2022.



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For Petitioner : Mr.L.P.Shanmugasundaram
for M/s.I.S.Inbadurai
For Respondents : Mrs.N.Senthil Selvi
Government Advocate [R1]
Mr.Babu Muthu Meeran
Standing Counsel [R2 & R3]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents to issue allotment order to the petitioners in pursuance to the Membership card issued by the third respondent at IUDP Colony, Coimbatore Division based on the representation dated 20.10.2022.

2. The case of the petitioners is that, they are the residents of IUDP Colony and based on the assurance given by the respondent-Board, the petitioners vacated their premises. At the time of vacating the premises, the third respondent issued Identity Card to the petitioners with an assurance that they will allot flats in the constructed portion. However, the respondents refused to allot flat in favour of the petitioners, thereby, the petitioners have filed the above writ petition before this Court for appropriate directions.



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3. The learned counsel for the petitioner submits that, the persons, who received Identity card from the respective authorities are entitled for allotment of flats in the constructed portion. However, the flats were not allotted to the petitioners in the constructed portion irrespective of the Identity card issued to them by the respective authorities after verification, which is not sustainable.

4. Further, he submits that, in the last hearing, the learned Standing Counsel appearing for the respondents 2 and 3 submitted that they received more than 100 applications from the eligible persons. However, all those applicants were not issued with Identity card. The respondents received application fees from the applicants, who do not possess Identity card, which is not sustainable. He further submits that priority should be given to the persons, who possess Identity card and the remaining flats may be allotted based on the applications received from the people.

5. The learned Standing Counsel appearing for the respondents 2 and 3 submits that, all the applicants are not having Identity card, however, the petitioner is alone having Identity card. As per the scheme, the person who possess Identity card will be given priority and the person who made application will come thereafter.



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6. In view of the fair stand taken by the learned Standing Counsel appearing for the respondents 2 and 3, there shall be a direction to the respondents to allot flats to the person, who possess Identity Card, which was issued by the respective authorities at the time of verification, within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that after allotting flats to the persons, who possess Identity card, the remaining flats may be allotted to the persons based on the eligibility criteria.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

26.06.2023
(2/2)

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

- 1.The Secretary to Government,
Housing and Urban Development Department,
Secretary to Government,
Saint George Fort,
Chennai – 600 009.
- 2.The Managing Director,
Tamil Nadu Slum Clearance Board,
Now, Tamil Nadu Urban Habitat Development Board,
Kamaraj Salai,
Chennai – 600 005.



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3.The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Now, Tamil Nadu Urban Habitat Development Board,
No.397 A North Residence Area,
Selvapuram North,
Coimbatore – 641 026.

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