



WEB COPY



W.P.No.31611 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.31611 of 2017 and

W.P.M.P.No.34738 of 2017

A.Ravindran

..

Petitioner

VS

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

2. E.Chandru

3. Satish

4. Shobi

5. A.Mani Ezhilan

6. R.Malavizhi

7. Ezilarasi

8. Prithiviraj

..

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records of impugned order of the first respondent dated 16.10.2017 in Na.Ka.Enn.G6/13527/2017 and to quash the same is illegal and further direct the first respondent to give independent allotment in the name of the petitioner to the properties situated in Door No.12/12, Nochikuppam, Mylapore, Chennai.

For Petitioner : Mr.A.Gouthaman

For Respondents : Mr.G.Venkatesan
Standing Counsel
for R1

Mr.Ravichandran Sundaresan
for R2, R4 to R8

R3 not ready in notice



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ORDER

The order dated 16.10.2017 passed by the Tamil Nadu Slum Clearance Board is sought to be quashed in the present writ petition.

2. The grievance of the writ petitioner is that his deceased mother and father were allotted a tenement by the Slum Clearance Board. After their demise, the respondents have not considered to reallocate the allotment in the name of the petitioner and therefore, the petitioner is constrained to move the present writ petition.

3. The order impugned is self-explanatory that, as per the Rules in force, on death of an allottee, the said allotment is to be reallocated in the name of their legal heirs jointly. However, in the present case, the petitioner claims exclusive right to reallocation, which cannot be considered by the Slum Clearance Board. If at all reallocation is to be made, it must be considered in the name of the legal heirs jointly and an application in this regard is to be submitted in the prescribed form to the competent authority.

4. That being the rules, which is to be followed by the authorities, the order impugned cannot be construed as the order passed against the writ petitioner. The order clarifies the Rules in force and only in



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the event of submission of joint application by the legal heirs of the deceased allottee, such application is to be considered on merits and in accordance with law.

5. With these clarifications, the writ petition stands disposed of.

There will be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Neutral Citation : Yes/No

11.04.2023

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To:

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

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