



W.P.No.27560 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.27560 of 2018

H.Purushothaman

...Petitioner

Vs.

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

2. The Superintendent Engineer,
Chennai Circle 2,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai, Chennai-600 005.

3. The Executive Engineer,
Division No.6,
Tamil Nadu Slum Clearance Board,
Pillaiyar Kovil Thottam, R.K.Mutt Salai,
Mylapore, Chennai-600 004.

4. The Tahsildar,
Mylapore, Chennai.

...Respondents

(R4 Suo motu impleaded vide order dated 29.03.2022 made in
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Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation submitted by the Petitioner dated 05/09/2018 for allotment of 176 sq.ft of land located on the South Western side of the Petitioners Plot No.403, D.No.14, New No.4, Kabali Vanabhojana Thottam, Raja Annamalaipuram, Chennai 600 028 for usage of petitioner either on lease or by outright sale in favour of the Petitioner within a time frame to be fixed by this Honourable Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.A.Babu Muthu Meeran, for R1-R3
: Mr.Alagu Gowtham, GA, for R4

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the respondents to consider and pass orders on the petitioner's representation dated 05.09.2018 as early as possible.

2. The case of the petitioner is that he claims to be the owner of the land comprised in D.No.14, New No.4, Plot No.403, Kabali Vanabhojana Thottam, Raja Annamalaipuram, Chennai. Adjoining to the petitioner's plot, there is an extent of 176 sq.ft., of land to its South Western side, which remains to be land locked without any access, in which the petitioner's



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vendor has also constructed a building and the same was also conveyed to the petitioner in the year 215 and the petitioner is in possession of the same.

While so, pursuant to the order of this Court, when the Slum Clearance Board removed the unauthorized constructions made by the individuals in Plot 404 which was allotted for public purpose, they have also demolished the extended construction made on the South Western side of the property, due to which, the petitioner suffered great loss and was forced to stay outside on rental basis. Therefore, the petitioner sent a detailed representation dated 05.09.2018 before the respondents seeking to permit the petitioner to use the land to an extent of 176 sq.ft located at South Western side to the petitioner's plot even by sale. However, till date, the said representation was not considered. Hence, this Writ petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 05.09.2018 and allot the said 176 sq.ft of land located on the South Western side of the Petitioner's Plot either on lease or by outright sale in favour of the Petitioner as early as possible.



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4. Learned counsel for the respective respondents submitted that appropriate orders will be passed on the petitioner's representation dated 05.09.2018 within the time stipulated by this Court.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioner's representation dated 05.09.2018 on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.

6. Accordingly, this Writ petition stands disposed of. No costs.

07.03.2023

skt

Speaking Order : Yes/ No

Index : Yes/ No

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To

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M.DHANDAPANI, J.

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