



W.P.(MD)No.4059 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.4059 of 2016

Iraniyappan

... Petitioner

versus

1. State of Tamil Nadu,
Rep. by the District Collector,
Tiruchirappalli,
Collectorate, Trichy – 620 001.
 2. The Tamilnadu Slum Clearance Board,
Rep. by its Executive Engineer,
Palakarai,
Trichy – 08.
 3. Ayilambal
 4. Kannadasan
 5. Karikalan
 6. Bharathidasan
 7. Balraj
- (Respondents 3 to 7 impleaded vide order
dated 12.04.2016 in W.M.P.(MD)No.4249 of 2016)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of Writ of Mandamus, directing the first
respondent to consider the petitioner's representation dated 15.02.2016



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and pass orders on the same directing the 2nd respondent to complete construction of the petitioner's house as sanctioned under Topo No.147 of Rajiv Awas Yojana Scheme.

For Petitioner	:	Mr.K.Prabakar
For R1	:	Mr.A.Kannan
		Additional Govt. Pleader
For R2	:	Ms.S.Latha
For R3 to R7	:	Mr.G.Balamurugan

ORDER

Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner submits that the petitioner is no more and therefore, he seeks time to file a necessary application to substitute the legal heirs of the petitioner.

2. This writ petition is filed for a Mandamus, directing the first respondent to consider the petitioner's representation dated 15.02.2016 and also for a consequential direction to the second respondent to complete the construction work of the petitioner's house as sanctioned under Topo No.147 of Rajiv Awas Yojana Scheme.



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3. The petitioner has applied for funds under Rajiv Awas Yojana Scheme for construction of his house and the same was also allotted in favour of him. As per the Scheme, he has also paid a sum of Rs.50,000/- towards his contribution for construction of his house on 01.07.2014 and 27.05.2015 and the construction work has also commenced. However, there was a dispute between the petitioner and respondents 3 to 7 with regard to the construction site and therefore, the petitioner filed a suit in O.S.No.426 of 2015 before the District Munsif Court, Trichy, for a relief of permanent injunction as against the respondents 3 to 7 and the same is pending. In the meantime, the respondents 3 to 7 have also filed a complaint before the second respondent alleging that the building, which is constructed under the Scheme, is a disputed property. In view of the same, the construction work has been stopped. Aggrieved over that, the petitioner has filed the present writ petition.



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4. The learned counsel appearing for the second respondent claims that in view of the dispute and litigation pending between the parties, the second respondent has not released the fund for construction of the petitioner's house. It is also reported that the parties to the *lis* have died.

5. Considering the fact that there is a dispute with regard to the property, on which, the construction work has to be carried out and the petitioner is no more, this writ petition is disposed of granting liberty to the petitioner's legal heirs to work out their remedy in the suit in O.S.No.426 of 2015 pending on the file of the District Munsif Court, Trichy and thereafter, approach the second respondent for completing the construction work. No costs.

14.02.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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B.PUGALENDHI, J.

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