



WEB COPY



W.P.Nos.2638 & 2024 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.2638 & 2024 of 2021

and

W.M.P.Nos.2293 & 2958 of 2021

I.Sheik Abdul Khader

... Petitioner in
W.P.No.2638 of 2021

V.S.Iruthayarajan

... Petitioner in
W.P.No.2024 of 2021

Vs.

1. Principal Secretary / Managing Director,
Tamil Nadu Slum Clearance Board,
No. 5, Kamarajar Salai,
Chennai - 600 006.

2. The Assistant Engineer,
Sub Division - 4 / Division - 3,
Tamil Nadu Slum Clearance Board,
Chennai - 600 039.

... Respondents in
both the writ petitions

Common Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice dated 12.01.2021 by the 2nd respondent violation of Article 14 and Article 21 of



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Constitution of India and to quash the same and consequently directing the respondents provide rehabilitation at Krishnadoss Road, Chandirayogi Samathi (Mangalapuram) Chennai - 600 012 to the petitioner.

For Petitioners in
both the Writ Petitions : Mr.G.Mohana Krishnan

For Respondents in
both the Writ Petitions : Mr.B.Balaji, Standing Counsel

COMMON ORDER

Notice dated 12.01.2021, issued by the Tamil Nadu Slum Clearance Board, renamed as Urban Habitat Development Board, is sought to be quashed in the present writ petitions.

2. The petitioners were tenants under the respondent Board and were in possession of a commercial shop. The Board has taken an administrative decision to demolish the dilapidated buildings and reconstruct the same for the purpose of allotment. Accordingly, the impugned notice was issued and the petitioners filed the present writ petitions.



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3. The learned counsel for the respondent Board would submit that the petitioners had vacated the premises and the subject buildings were already demolished and the Board also commenced the construction process. If at all the petitioners are interested in securing any allotment after issuance of the public notification, the petitioner may submit their applications, which will be considered in accordance with law.

4. The learned counsel for the petitioners would submit that the petitioners may be allotted commercial shops in the said project based on their applications and considering their previous tenancyship.

5. Such rights cannot be conferred by the Court in a writ proceedings. Admittedly the petitioners were tenants under the respondent Board, but still they have to participate in the process of allotment of commercial shops, along with all other eligible persons, if any notification has been issued for any such allotment in any project by the respondent Board.



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6. Thus, the relief as such sought for in the present writ petition lost its relevance and further the High Court cannot grant any direction to provide any allotment to the petitioner in violation of the rules.

7. With these observations, the writ petitions stand dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

02.02.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

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S.M.SUBRAMANIAM. J.,

(sha)

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