



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.23280 of 2019

R.Muruganantham

... Petitioner

Vs.

1. The Tamil Nadu Slum Clearance Board,
Rep. by its Chairman,Kamarajar Salai, Chennai – 600 005.
2. The Managing Director,
The Tamil Nadu Slum Clearance Board,
Kamarajar Salai, Chennai – 600 005.
3. The Estate Officer, Estate Office – 7,
The Tamil Nadu Slum Clearance Board,
Kamarajar Salai, Chennai – 600 005.
4. Arulmighu Sri Devi Gangaianman Koil,
Rep. by its Secretary, Having office at Periyar Nagar,
Nethaji Main Road,Adambakkam, Chennai – 88. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 3 to consider petitioner Representation dated 17.10.2018 within a time limit as this Honourable Court



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may prescribe, and thus render justice.

For Petitioner	: Mr.R.Balachandran
For R1 to R3	: Mrs.K.Indumathy Venkatesh,
	Standing Counsel for TNUHDB
For R4	: No appearance

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The Writ of Mandamus has been instituted to direct the respondents to consider the representation submitted by the writ petitioner dated 17.10.2018.

2. The writ petitioner states that he purchased the Slum Clearance Board House site from its original allottee, one Mr.Radhakrishnan. The original allotment was made in the year 1991 by the Slum Clearance Board in favour of Mr.Radhakrishnan, who died subsequently. During his lifetime, the writ petitioner claims to be the purchaser. The grievances of the writ petitioner is that the adjacent Temple administration has encroached upon a portion of the land allotted in favour of Mr.Radhakrishnan, wherein the writ petitioner is now under occupation. Thus, a representation was submitted. Civil Suits in O.S.No.6599 and 2015 and O.S.No.713 of 2016 were filed. It is brought to the notice of this Court that both the Suits were dismissed for non-prosecution.



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3. The learned counsel for the writ petitioner would submit that the respondents have failed to remove the encroachments made by the Temple and thus, the writ petitioner has chosen to file the present Writ Petition. The learned counsel for the respondents would oppose the said contention by stating that the purchase of the writ petitioner itself is invalid and the writ petitioner is not entitled to claim any relief against the Tamil Nadu Slum Clearance Board. Two Civil Suits filed were dismissed for default. That apart, in the written statement filed in the Civil Suits, the Tamil Nadu Slum Clearance Board has clearly stated that there is no encroachment. That being the stand of the Tamil Nadu Slum Clearance Board, the Writ Petition deserves to be rejected.

4. When the Tamil Nadu Slum Clearance Board already filed written statement in the Civil Suit that there is no encroachment in respect of the land allotted originally in favour of Mr.Radhakrishnan, this Court by merely issuing a direction to consider the representation cannot resolve the issues. Such a direction



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would do no service to the cause of justice. That apart, after the death of the original allottee, Mr.Radhakrishnan, his legal heirs have to approach the Tamil Nadu Slum Clearance Board for the purpose of transfer of property in the manner contemplated under the Act and Rules.

5. In view of the facts and circumstances, the writ petitioner is not entitled for the relief, as such sought for in the present Writ Petition and consequently, the Writ petition stands dismissed. No costs.

(S.M.S.,J.) (K.R.S.,J.)
08.03.2024

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

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