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W.P.No.4917 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4917 of 2021

D.Parvathy

... Petitioner

Vs.

The Tamil Nadu Slum Clearance Board,
Rep. by The Estate Officer.III,
Thirumangalam,
Chennai – 101.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent herein to issue allotment order to the petitioner for the house bearing door no.68, New No.183, Plot No.288, Bharathi Nagar 2nd Street, Villivakkam, Chennai.49.

For Petitioner : Mr.K.Gajendiran
For Respondent : Mr.S.Karthikeyan
Standing Counsel

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondent to issue allotment order



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to the petitioner for the house bearing Door no.68, New No.183, Plot No.288, Bharathi Nagar 2nd Street, Villivakkam, Chennai.

2.The learned counsel appearing for the petitioner submitted that the petitioner constructed a pucca house in Plot No.288, Bharathi Nagar 2nd Street, Villivakkam, Chennai and the Corporation of Chennai assessed property tax and she also obtained electricity connection and water and sewerage connection for the said house, however, till date, the respondent has not issued the allotment order to the petitioner. In this regard, the petitioner also sent notice dated 10.12.2020 to the respondent through Advocate and also made application to the Chief Minister Cell on 20.01.2015, however, the petitioner's request has not yet been considered by the respondent.

3.The learned Standing Counsel appearing for the respondent submitted that as on date Plot No.288, Bharathi Nagar 2nd Street, Villivakkam, Chennai, has not been allotted to anybody. The petitioner on her own volition encroached the property and has constructed the house which is illegal, un-authorised and is a clear case of trespass and the construction is liable to be removed and further submitted that till date the petitioner has not given any



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application to the respondent.

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4.Heard the arguments advanced on either side and perused the materials available on record.

5.Till date the petitioner has not given any application to the respondent. In the absence of any application, the respondent cannot pass any order. Further, as on date the respondent has not allotted Plot No.288, Bharathi Nagar 2nd Street, Villivakkam, Chennai, to anybody. The petitioner on her own volition has encroached the property and has constructed the house which is illegal, unauthorised and is a clear case of trespass and the construction is liable to be removed.

6.In view of the above, this Court is not inclined to grant the relief sought for by the petitioner. The writ petition is dismissed. No costs.

07.08.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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M.DHANDAPANI,J.
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To

The Tamil Nadu Slum Clearance Board,
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