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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.06.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.15102 of 2024

Devi

... Petitioner

Vs

1. The Director

Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai
Chennai – 600 005

2. The Assistant Engineer (Division-1)

Tamil Nadu Slum Clearance Board
Chennai – 600 081.

3. Somaraju

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing 2nd respondent to delete the newly inserted name of the 3rd respondent and restore petitioner's name in the top of the list and provide to the petitioner's house by way of considering the representation of the petitioner dated 08/12/2022 within the specific period of time fixed by this Hon'ble Court.



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For Petitioner : Mr.T.Ganesan
For Respondents : Mrs.K.Indhumathy Venkatesh (R1 and R2)

ORDER

Mrs. K.Indhumathy Venkatesh, learned counsel accepts notice for R1 and R2 and is armed with instructions to enable a final disposal of this Writ Petition, even at the stage of admission. No notice has been issued to R3 in light of the fact that his interests have been duly taken note of and addressed by virtue of this order.

2. The prayer of the petitioner is for a direction to the second respondent being the Assistant Engineer (Division I), Tamil Nadu Slum Clearance Board to delete the name of R3 in the list of allottees for allotment of house.

3. A perusal of the list shows that the name Rajendran (petitioner's husband) that originally figured in serial number 1 has come to be struck off, substituted by the name of R3 written in hand.

4. The petitioner is aggrieved by the striking off of his name even without following due process. According to the petitioner, she was residing in No.1/1, Dr.Ambedkar Nagar, 57th block, Manali New Town, Chennai – 600 103 for several years. She had been instructed to vacate the site under promise of allocation of a house under the Prime Minister's Scheme. Believing the words



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of the respondents, she had vacated the house. She is now aggrieved by her removal from the list of probable allottees and hence this Writ Petition.

5. Mrs. K.Indhumathy Venkatesh, who accepts notice for the official respondents, being the Director and Assistant Engineer of the Tamil Nadu Slum Clearance Board/R1 and R2 respectively, is not equipped with necessary instructions to respond to the averments of the petitioner.

6. However, the petitioner claims to have made a representation on 08.12.2022, which learned counsel states, may be disposed. Unfortunately that representation does not contain any acknowledgement of receipt and this Court is thus unable to issue mandamus, directing the official respondents to consider the same.

7. Seeing as the matter involves assimilation and application of mind to several factual aspects, I see no reason to keep the Writ Petition pending but would rather permit the petitioner to make a representation afresh, if she is aggrieved by the action of the respondents in substituting her name with that of R3 in the list of allottees.

8. Such representation, if filed within a period of four (4) weeks from today, will be considered and orders passed after hearing the petitioner and R3 and any others who may be deemed necessary, expeditiously, in any event,



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Dr.ANITA SUMANTH,J.

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within a period of six (6) weeks from date of receipt of representation from the petitioner, in accordance with law and all applicable rules and regulations.

9. This Writ Petition is disposed with liberty as above. No costs.

11.06.2024

Index : Yes / No

Speaking Order

Neutral Citations: Yes

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**Note: Registry is directed to issue a copy of this order on or before
12.06.2024.**

To

1. The Director

Tamil Nadu Slum Clearance Board

No.5, Kamarajar Salai

Chennai – 600 005

2. The Assistant Engineer (Division-1)

Tamil Nadu Slum Clearance Board

Chennai – 600 081.

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