



W.P.Nos.17625 of 2019 and 3700 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.17625 of 2019 and 3700 of 2022

Mohan ... Petitioner in W.P.No.17625/2019

1.S.Srinivasan

2.Parimala

... Petitioners in W.P.No.3700/2022

Vs.

The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai,
Chennai – 600 005.

... Respondent in W.P.No.17625/2019

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

2.Estate Officer,
Estate Office-1,
Tamil Nadu Slum Clearance Board,
Chennai – 600 001.

3.Administrative Engineer
Re-Construction Division (North)
Tamil Nadu Slum Clearance Board,
TP Chacthiram,
Chennai – 600 010.

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



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... Respondent in W.P.No.3700/2022

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Prayer in W.P.No.17625 of 2019:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to allot Flat No.589, Power Kuppam Pagudhi – II, Kasipuram 'A' Block, Second Street, Royapuram, Chennai – 600 013 to the petitioner as per allotment order issued by the respondent in Na.Ka.No.G2/30201/84 dated 06.1998 within a time frame as may be fixed by Hon'ble Court.

Prayer in W.P.No.3700 of 2022:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 4 to hand over the vacant possession of the Flat No.589 in the "Powerkuppam" scheme of the first respondent to the petitioners as per the Allotment Order No.G1/9996/2017 dated 08.12.2018 of the first respondent by dispossessing the fifth respondent, within the reasonable time fixed by this Hon'ble Court.

For Petitioners : Mr.S.Senthil Vel
in W.P.No.17625 of 2019

Mr.Ramesh Vel
in W.P.No.3700 of 2022

For Respondents : Mr.S.Karthikeyan
in W.P.No.17625 of 2019

Mr.S.Karthikeyan for R1 to R4
Mr.S.Senthil Vel for R5



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in W.P.No.3700 of 2022

COMMON ORDER

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W.P.No.17625 of 2019 has been filed by the petitioners seeking issuance of Writ of Mandamus directing the respondent to allot Flat No.589, Power Kuppam Pagudhi – II, Kasipuram 'A' Block, Second Street, Royapuram, Chennai – 600 013 to the petitioner as per allotment order issued by the respondent in Na.Ka.No.G2/30201/84 dated 06.1998 within a time frame as may be fixed by this Court.

2.W.P.No.3700 of 2022 has been filed by the petitioners seeking issuance of Writ of Mandamus directing the respondents 1 to 4 to hand over the vacant possession of the Flat No.589 in the "Powerkuppam" scheme of the first respondent to the petitioners as per the Allotment Order No.G1/9996/2017 dated 08.12.2018 of the first respondent by dispossessing the fifth respondent, within the reasonable time fixed by this Hon'ble Court.

3.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order. For brevity, the petitioner in W.P.No.17625 of 2019



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would be hereinafter referred to as 'person in occupation' and the petitioners in W.P.No.3700 of 2022 would be hereinafter referred to as 'allottee'.

4.The learned counsel appearing for the allottee submitted that the Managing Director, Tamil Nadu Slum Clearance Board allotted Flat No.589 in favour of the allottee vide proceedings dated 08.12.2018 and as per the allotment order, they paid an advance deposit of Rs.10,530/- with the Estate Officer on 01.03.2019 and also paid the deposit for electricity service connection, however, the possession of the Flat was not handed over to them. Thereafter, the allottee came to know that the person in occupation was occupying the flat without any allotment. Hence the allottee made representation to the Managing Director, Tamil Nadu Slum Clearance Board to dispossess the person in occupation and to hand over the possession to them or to re-allot some other flat, however, the same has not yet been considered.

5.The learned counsel appearing for the person in occupation submitted that earlier the person in occupation was allotted flat in No.318, Kasipuram 'A' Block, Royapuram, Power Kuppam Pagudhi – I,



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and subsequently, the said property was demolished and after demolition, the Tamil Nadu Slum Clearance Board instructed the person in occupation to occupy Flat No.589, Power Kuppam Pagudhi – II, Kasipuram 'A' Block, Second Street, Royapuram, Chennai and accordingly, the person in occupation is occupying the same and further submitted that the person in occupation made representation to allot Flat No.589 in his favour, however, the said flat has been allotted to the allottee which is not sustainable one.

6.The learned counsel appearing for the Tamil Nadu Slum Clearance Board submitted that initially Flat No.318 was allotted in favour of the person in occupation and since he failed to pay the advance amount, his allotment was cancelled and Flat No.318 was allotted to one Karpagam and her husband Selvam on 26.02.2016 and the allottee were allotted Flat No.589 on 08.12.2018, however, the person in occupation forcibly entered into Flat No.589 and is in occupation of the same from 24.12.2018.

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



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8.Perusal of record reveal that that initially Flat No.318 was allotted in favour of the person in occupation and since he failed to pay the advance amount, his allotment was cancelled and Flat No.318 was allotted to one Karpagam and her husband Selvam on 26.02.2016 and the allottee were allotted Flat No.589 on 08.12.2018, however, the person in occupation forcibly entered into Flat No.589 and is in occupation of the same from 24.12.2018. Occupying a property without any allotment order is illegal and hence, the Tamil Nadu Slum Clearance Board is directed to evict the person in occupation and hand over possession of Flat No.589 to the allottee, as expeditiously as possible.

9.The writ petition in W.P.No.3700 of 2022 is allowed and the writ petition in W.P.No.17625 of 2019 is dismissed. No costs.

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



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To

- 1.The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai,
Chennai – 600 005.
- 2.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai – 600 005.
- 3.The Estate Officer,
Estate Office-1,
Tamil Nadu Slum Clearance Board,
Chennai – 600 001.
- 4.The Administrative Engineer
Re-Construction Division (North)
Tamil Nadu Slum Clearance Board,
TP Chacthiram,
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M.DHANDAPANI,J.
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