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W.P.No.17268 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.17268 of 2020

and

W.M.P.No.21350 of 2020

1. Lawrence Thomas

2. Emily Lawrence

... Petitioners

Vs.

1. The Chairman,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai 05

2. The Estate Officer,
Estate Officer-V,
Tamilnadu Slum Clearance Board,
T.B Chatram,
Chennai-10.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the respondent culminating in passed the Impugned proceedings in Na.Ka.No. 268 / T / A / A.Aa.5 / 2019 dated 02.08.2019 and quash the same and also direct the respondent to fix the guideline value of the property consideration of the petitioners' representation dated 27.05.2019 at the guideline value of 1984 within a time frame as fixed by this Hon'ble Court.



WEB COPY



W.P.No.17268 of 2020

For Petitioners : Mr.A.Velmurugan

For Respondents : Mr.B.Balaji, Standing Counsel

ORDER

The order of rejection dated 02.01.2019, rejecting claim of the petitioners for providing allotment of plot by Tamil Nadu Slum Clearance Board Tenement, (renamed as Urban Habitant Development Board) at N.S.K.Nagar, Aminiikarai, Chennai- 600 029.

2. The petitioners made an application on 27.05.2019, to grant allotment of the Plot No.202 at N.S.K. Nagar scheme, Arumbakkam, Chennai-106. The said application was considered and the Board rejected the claim on the ground that their names were not found in the list of eligible persons for the plot allotment, which was finalised in the year 1984.

3. It is not in dispute that the list of eligible encroacher, during the year 1984, were identified by the Chennai Collector and a list of eligible persons were prepared for the purpose of allotment of plots through Slum Clearance Board / Urban Habitat Development Board.



W.P.No.17268 of 2020

4. The learned counsel for the petitioners, Mr.A.Velmurugan would submit that the petitioners were residing in the said Plot No.202 at N.S.K. Nagar, Arumbakkam, in the year 1984. The names of the petitioners were found in the voters list and the petitioners produced further documents, and therefore, they are entitled for allotment of the said Plot No.202 at N.S.K. Nagar Arumbakkam. The authorities have not considered any of these aspects and rejected the claim thus, the writ petition came to be instituted.

5. Learned Standing Counsel for the Slum Clearance Board, Mr.B.Balaji, would approach the contention by stating that the eligible list of persons were finalised in the year 1984-85 and allotments were made to those eligible candidates during the relevant point of time. The scheme itself was closed long back and therefore, at this length of time, the petitioners' claim cannot be considered.

6. The facts as placed before this Court would reveal that the petitioners have made an attempt to reopen the lapsed claim. Any such claim is to be made within a reasonable period of time. It is not in dispute that the list of eligible persons were prepared in the year 1984. The



W.P.No.17268 of 2020

petitioners slept over their right and submitted an application before the respondent on 27.05.2019, after a lapse of about 35 years from the finalisation of the list of eligible persons. The said application submitted by the petitioners on 27.05.2019 were rejected vide impugned order dated 02.08.2019. Therefore, the petitioners allowed the claim to be lapsed and suddenly woke up and filed a writ petition in the year 2019. Such stale claims cannot be entertained and more specifically, for the purpose of allotment of plots by the Slum Clearance Board.

7. More so, the Board states that the names of the petitioners were not in the list of the eligible persons and their case cannot be considered. For all these reasons, the petitioners are not entitled for the relief as such sought for in the present writ petition.

8. Accordingly the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

01.02.2024

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



W.P.No.17268 of 2020

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S.M.SUBRAMANIAM. J.,

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