



W.P.No.10724 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

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CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.10724 of 2024

Kanagaraj

... Petitioner

Vs.

The Chairman,
Tamilnadu Slum Clearance Board,
Chennai – 600 005.

... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Mandamus, directing the respondent herein to issue allotment order for the land bearing in Plot No.116, situated at Door No.213, Gandhi Main Road, Thillaiyadi Valli Nagar, Thirumangalam, Chennai – 600 040, based on the petitioner's application dated 20.06.2023.

For Petitioner : Mr.N.Sairam Ganapathi

For Respondent : Mr.K.Tippu Sulthan
for Mr.B.Balaji
Standing Counsel for TNUHDB



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ORDER

The writ of mandamus has been instituted to direct the respondent to issue allotment order for the land bearing Plot No.116, situated at Door No.213, Gandhi Main Road, Thillaiyadi Valli Nagar, Thirumangalam, Chennai – 600 040, based on the petitioner's application dated 20.06.2023.

2. The petitioner states that the land belonged to Tamil Nadu Slum Clearance Board (re-named as Tamil Nadu Urban Habitat Development Board) was originally allotted in favour of one Mrs.Govindhammal. She was in possession of the house site allotted by the Slum Clearance Board. The said Mrs.Govindhammal in violation of the Slum Clearance Board Act and Rules illegally sold the property in favour of the petitioner and it was not informed to the Board also. The Sale become invalid, since it was not approved by the Slum Clearance Board. After purchase of the house site from the original allottee, the petitioner submitted an application to the Slum Clearance Board to regularise the sale effected by the original allottee. The Board Authorities have not regularised nor approved. Therefore, the present writ petition came



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to be instituted.

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3. Mr.N.Sairam Ganapathi, learned Counsel appearing on behalf for the petitioner would submit that the Board Authorities have received some payment from the petitioner for regularization. Therefore, they are bound to regularise the site.

4. *Per contra*, Mr.K.Tippu Sulthan, learned Counsel appearing on behalf of the Board would oppose by stating that such payments received cannot be for the purpose of regularization, since there is no provision under the Statute and Rules to regularize the illegal sale by the original allottee in favour of their parties. If at all, any payment has been made by any person and Authorities, if found that such payments are erroneously received or paid, the said amount is to be returned to the person concerned and regularisation of sale cannot be done, since the sale itself become invalid.

5. In the absence of provision under the Statutes and Rules in force, the Authorities are not empowered to regularize the illegality, more specifically, when sale has been effected by the original allottees in an illegal manner. The only way out for the petitioner is to submit a fresh application, if



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he is otherwise eligible for allotment under the Act and Rules. In the event of receiving any such application, the said application is to be scrupulously considered in accordance with the provisions of the Act and Rules. However, illegality cannot be a ground to seek a relief of regularization of allotment, which will cause infringement of the right of all other eligible applicants, who all are longing to secure allotment in the order of seniority and in accordance with the provisions of the Act and Rules in force. Therefore, Court cannot extend its assistance in support of such illegalities in the matter of allotment of tenements and house sites by the Tamil Nadu Slum Clearance Board.

6. The Board was constituted with a noble object of providing tenements to the homeless poor people across the State of Tamil Nadu. The object sought to be achieved at no circumstances be diluted least by the Authorities working in the Board. Therefore, illegality, irregularity, dereliction of duty, collusion and negligence on the part of the Authorities if noticed, serious actions are to be initiated under the Discipline and Appeal Rules. In this context, the higher Authorities and the Government should ensure that the allotments are made strictly in accordance with law and any dereliction of duty committed are to be dealt with and such Officials are to be



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prosecuted both under the Service Rules and under the Criminal Law.

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7. Large scale illegalities and irregularities are in the public domain especially with reference to the allotment of tenements and considering the applications. The trust on the public administration is of paramount importance. Therefore, the Board has to act carefully and ensure that no eligible person is deprived of chance of allotment in the order of seniority and based on the eligibility. Therefore, the respondent is directed to scrutinize the actions of its Officials and conduct periodical inspections for maintenance of tenements, house-sites allotted by the Tamil Nadu Urban Habitat Development Board and initiate all appropriate actions to remove illegalities and irregularities and to ensure that the purpose and object of the constitution of the Board is protected and poor eligible citizen get tenements under various welfare schemes. Public money has been utilized for construction of tenements and for land acquisition proceedings to allot house sites. When public money has been utilized for implementation of such welfare schemes, the Authorities competent are expected to be double cautious. In the event of any financial loss to the public, it is a serious offense and those Officials are accountable and they must be personally held liable for all such illegalities.

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8. In this context, the 1st respondent/Chairman, Tamil Nadu Urban Habitat Development Board is directed to issue appropriate circulars and instructions to all the Authorities to ensure that the allotments are made strictly in accordance with the statutes and Rules in force. In the event of violations, appropriate actions are to be initiated.

9. In the present case, the petitioner is a purchaser from the allottee. Admittedly, there is no provision to regularise such purchase from the original allottee. Therefore, the relief as such sought for cannot be granted.

10. Accordingly, this Writ Petition stands **dismissed** at the admission stage itself. No costs.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda

To
The Chairman,

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Tamilnadu Slum Clearance Board,
Chennai – 600 005.

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S.M.SUBRAMANIAM,J.

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