



WEB COPY



W.P.No.31611 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.31611 of 2024

1.Veni
2.Latha
3.Kasturi
4.Kokila
5.Sumathi

... Petitioners

Vs.

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

2.The Secretary,
Tamilnadu Slum Clearance Board,
Chennai – 600 005.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioners dated 06.03.2024 and handover the vacant possession of the property allotted to Late Mr.Sekar by the 2nd respondent or provide an alternative accommodation and also compensate for the damages.

For Petitioners : Mr.T.Prabu

For Respondents : Mr.G.Sivakumar



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ORDER

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This Writ Petition has been filed by the petitioners seeking for a Writ of Mandamus, to direct the respondents to consider the representation of the petitioners dated 06.03.2024 and handover the vacant possession of the property allotted to Late Mr.Sekar by the 2nd respondent or provide an alternative accommodation and also compensate for the damages.

2. Mr.G.Sivakumar, learned counsel, accepts notice on behalf of the respondents. In view of the consent expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioners is that, the 1st petitioner is the elder daughter-in-law of Late Sekar. The 2nd respondent acquired the land in Erukancherry village and allotted to the residents, who were dwelling there, accordingly, the said Sekar was allotted to Plot No.141 in T.S.No.99, Block No.3 measuring 62 sq.mts of Erukancherry Village, Perambur Taluk, Chennai District and he was in continuous possession and enjoyment of the property till his life time along with his family. In



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the year 2012, one A.K.Ahamed and Mohamed Ismail Gani filed a suit in

O.S.No.6924 of 2012 on the file of learned XVII Additional City Civil

Judge, Chennai against the legal heirs of the said Late Sekar and the

same was decreed in favour of the plaintiffs therein. In the year 2017, the

2nd respondent executed a sale deed vide Document No.4846/2017 on the

file of SRO, Madharavam, Chennai in favour of the existing legal heirs

of the said Late Sekar and they were in possession and enjoyment of the

property. After the demise of the said A.K.Ahamed, his legal heirs have

preferred an execution petition in E.P.No.4822/2022 on the file of X

Assistant City Civil Judge, Chennai, which was decreed in favour of the

legal heirs of the said A.K.Ahamed, pursuant to which, on 06.12.2023,

with the aid of police, petitioners were evicted from the property by the

decree-holders. Therefore, the petitioners have sent a detailed

representation dated 06.03.2024 to the respondents. Since the same was

not considered, the petitioners have filed this writ petition before this

court.

4. Though very many grounds have been raised in this writ petition, learned counsel for the petitioners submitted that, it would suffice, if this Court issues a direction to the respondents to consider the



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representation of the petitioners dated 06.03.2024 and pass appropriate orders, within a time frame that may be stipulated by this court.

5. Considering the limited request made by the learned counsel for the petitioners, this court, without going into the merits of the case, directs the respondents to consider the representation of the petitioners dated 06.03.2024 on merits and in accordance with law and pass appropriate orders, within a period of four (4) weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioners and aggrieved persons, if any.

6. With the above direction, this writ petition is disposed of. No costs.

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(2/2)

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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To
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- 1.The Chairman,
Tamilnadu Slum Clearance Board,
Chennai – 600 005.
- 2.The Secretary,
Tamilnadu Slum Clearance Board,
Chennai – 600 005.



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W.M.P.No.34360 of 2024
in
W.P.No.31611 of 2024

M.DHANDAPANI, J.

In view of amendment to the Court fee rules, this petition is allowed, subject to payment of single Court fee, within a period of two weeks, from the date of receipt of a copy of this order, failing which, this order shall be applicable only to the first petitioner.

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30.10.2024
(¹/₂)