



W.P.No.1356 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.1356 of 2021

and

W.M.P.No.1524 of 2021

G.Gajapathy

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Slum Clearance Board,
5, Kamarajar Salai,
Chennai – 600 004.

2.Chinnaponnu
3.Subramaniam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to dispose of the representation dated 24.01.2019 of the petitioner within a time frame.

For Petitioner : Mr.K.V.Sundararajan

For Respondents : Mr.G.Venkatesan [R1]
Not Ready in Notice [R2]
Mr.A.Gunaseelan [R3]



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ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents to dispose of the representation dated 24.01.2019 of the petitioner within a time frame.

2. The case of the petitioner is that, the vacant land situated at New No.15, Old No.28, Govindasamy Street, MGR Nagar, Chennai – 600 078 belongs to the 1st respondent. Initially, the petitioner was not aware of the same and he was made to believe that the said vacant land belongs to the 2nd respondent. Hence, the petitioner had entered into an Agreement with the 2nd respondent for permission to put up construction, following which, he had put up construction and he was carrying on business in respect of Chicken and Mutton retail shop in the ground floor of the above premises. Whiles, the 2nd respondent had tried to vacate the petitioner without following the due process of law and hence, he filed a suit in O.S.No.4941 of 2002 against the 2nd respondent on the file of VIII Assistant Judge, City Civil Court, Chennai for permanent injunction and



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got a decree for the same on 12.09.2006. Thereafter, the 2nd respondent had also filed a petition in RCOP.No.170 of 2007 for eviction against the petitioner on the file of X Judge, Small Causes Court, Chennai and the said RCOP was allowed by an order and decree dated 14.03.2008, against which, the petitioner had preferred an appeal in RCA No.301 of 2008 on the file of VII Judge, Small Causes Court, Chennai and the same was allowed, dismissing the RCOP No.170 of 2017 vide order and decree dated 14.03.2008. Subsequently, the 2nd respondent had claimed right over the super structure also. Hence, the petitioner had filed a suit in O.S.No.3327 of 2010 against the 2nd respondent on the file of XVIII Assistant Judge, City Civil Court, Chennai for declaration that the super structure in the schedule property belongs to him and for a direction, directing the 2nd respondent to remove the lock in respect of a portion in the ground floor and to remove all obstructions created by the 2nd respondent. The said suit was originally decreed exparte through a judgment and decree dated 06.12.2010 by the XVIII Assistant Judge, City Civil Court, Chennai, following which, the petitioner had filed an execution petition in E.P.No.4191 of 2010 for removing the lock, in



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which the 3rd respondent had filed a petition as obstructor, claiming right over the schedule property and the said EP was dismissed on the ground that the land belongs to the Slum Clearance Board and therefore, without permission u/s 29 of the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971, the EP cannot be proceeded. Only then, the petitioner came to know the fact that the land belongs to the Slum Clearance Board. Meanwhile, the 2nd respondent had filed a petition to set aside the exparte decree dated 06.12.2010, following which the said exparte decree was set aside and the suit was posted for trial. Once again, the 2nd respondent remained exparte and the suit was once again decreed on 03.08.2016. Thereafter, the petitioner had sent a letter dated 24.01.2019 to the 1st respondent. Since the same was not considered, the petitioner had filed the above writ petition before this Court.

3. Though very many grounds have been raised in this writ petition, learned counsel appearing for the petitioner submits that, it would suffice, if this court, issues a direction to the 1st respondent to consider the representation of the petitioner dated 24.01.2019 and pass appropriate order, after providing opportunity to the petitioner as well as



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the respondents 2 and 3, within a time frame that may be stipulated by this court.

4. Learned counsel appearing for the 3rd respondent submitted that, already the very same petitioner filed an objection petition as against the 3rd respondent and the same was dismissed. However, liberty may be granted to the 3rd respondent to canvass all the points before the 1st respondent while considering the petitioner's representation dated 24.01.2019.

5. In view of the above submissions, this court, without going into the merits of the case, directs the 1st respondent to consider the representation of the petitioner dated 24.01.2019 on merits and in accordance with law and pass appropriate orders, after providing an opportunity of personal hearing to the petitioner and the respondents 2 and 3, within a period of four weeks (4) from the date of receipt of a copy of this order.



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M.DHANDAPANI, J.

sp

6. According, this writ petition is disposed of. No costs.

Consequently, the connected writ miscellaneous petition is closed.

01.10.2024

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

The Chairman,
Tamil Nadu Slum Clearance Board,
5, Kamarajar Salai,
Chennai – 600 004.

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