

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22320 of 2006 and
M.P. Nos.1 and 2 of 2006

1.T.Murugesan
2.G.Elumalai
3.G.Muneeswaran

.. Petitioners

Vs.

1.The Chairman and Managing Director,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai, Chennai-600 005.

2.The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai, Chennai-600 005.

3.Emavathi

4.R.Jayaprakash

.. Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the first respondent to remove the encroachments made by the third respondent for and on behalf of the fourth respondent at the premises Door No.79, 80 and 81, Thai Nagar, Pallikaranai, Chennai-600 302 and put back the petitioners herein in possession

of the land taken by the third respondent and restoring the kitchen, bath room and toilet.

For Petitioners : Mr.M.Mani Narayanan

For Respondents : Mr.P.Jeganath,
TNSCB for R1
Mr.M.Rajasekar for R2
Mr.K.Bijai Sundar for R3
R4-Disd vide court
order dated 30.09.2017

ORDER

This writ petition has been filed by the petitioners praying for issuance of a writ of Mandamus seeking direction to the first respondent to remove the encroachments made by the third respondent for and on behalf of the fourth respondent at the premises Door No.79, 80 and 81, Thai Nagar, Pallikaranai, Chennai-600 302 and put back the petitioners herein in possession of the land taken by the third respondent and restoring the kitchen, bath room and toilet.

सत्यमेव जयते

2.The case of the petitioners is that the first respondent has allotted the above said property in favour of the petitioners. The said premises were encroached by the third respondent for and on behalf of the fourth respondent. Hence they are before this Court seeking the above said prayer.

3.Learned counsel for the first respondent would submit that admittedly there is no allotment order in favour of the petitioners and the petitioners and respondents 3 and 4 are encroachers. He would further submit that now the first respondent is taking steps to evict the above said persons by following due process of law and he prays for direction may be issued to the second respondent to remove the encroachments.

4.Learned counsel for the third respondent would submit that the third respondent was allotted Door No.79 of the above said property and he did not encroach the portion as stated in this petition. However, he is ready to co-operate with the first respondent, if any encroachment is made.

5.In view of the stand taken by the respondents, this Court finds it necessary to issue direction to the second respondent. Accordingly, the second respondent is directed to remove the encroachments, if any, by following the due process of law, within a period of six weeks from the date of receipt of a copy of this order.

M.DHANDAPANI,J.

vga

6.It is open to the third respondent to convince the first respondent by producing the allotment order, if any issued to him.

7.This writ petition is accordingly disposed of. No costs. Consequently, connected M.Ps are closed.

17.04.2018

Speaking/Non speaking order

Index : Yes/No

vga

To

1.The Chairman and Managing Director,
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Kamarajar Salai, Chennai-600 005.

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