



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12099 of 2011
and
M.P.Nos. 1 and 2 of 2011

Kabali

... Petitioner

Vs.

1. The Chairman
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai
Chennai 600 005.

2. The Executive Engineer
Tamil Nadu Slum Clearance Board
No.36/1, North Usman Road
T. Nagar
Chennai 600 017.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the reply notice issued by the 2nd respondent herein vide proceedings Na.Ka.No.1073/a3/2011/Ko6, dated 25.03.2011 and quash the same.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.S.Prabhu

O R D E R

The notice issued by the 2nd respondent / Tamil Nadu Slum Clearance Board in proceedings Na.Ka.No.1073/a3/2011/Ko6, dated 25.03.2011 is under challenge in this Writ Petition.

2. The notice impugned was issued by the 2nd respondent pursuant to the orders passed by this Court on 24.01.2011 in W.P.No.23258 of 2010. It is contended by the respondents that as per Rule 10 (b) of the Encroachment Regulations, the allottee should not put up any additional constructions and any such



constructions made without permission is treated as an encroachment. Therefore, it was informed to the petitioner that the unauthorised constructions / encroachments ought to be removed at the cost of the petitioner, failing which the respondents would be in a position to remove the unauthorised constructions / encroachments by initiating action with the assistance of the Police Department.

3. It is needless to state that the allottees of the Tamil Nadu Slum Clearance Board are bound to follow the terms and conditions of the allotment. The unauthorised constructions / encroachments are impermissible and if any such constructions are identified, the authorities are bound to remove such unauthorised constructions / encroachments by following the procedures.

4. In the present case, the impugned notice has been issued asking the petitioner to remove the unauthorised constructions / encroachments, failing which action will be initiated with the assistance of the Police Department, for removing the same. This being the nature of the notice, this Court do not find any illegality or irregularity in respect of the notice issued by the 2nd respondent to the petitioner.

5. The petitioner is bound to remove the unauthorised constructions / encroachments at his own cost, failing which the respondents are bound to remove the same with the assistance of the Police.

6. With these observations, this Writ Petition stands dismissed. Consequently, connected Miscellaneous Petitions are also closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Jeni/Kan

To

1. The Chairman
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai
Chennai 600 005.



2. The Executive Engineer
Tamil Nadu Slum Clearance Board
No.36/1, North Usman Road
T. Nagar
Chennai 600 017.

+1cc to M/s.S.Prabhu, Advocate, S.R.No.57970

W.P.No.12099 of 2011

GSM(CO)
SU(24/11/2021)