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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.39705 of 2015

R.Md.Iqbal

... Petitioner

Vs.

1.The Chairman

Tamilnadu Slum Clearance Board
Kamaraj Salai, Chennai-5.

2.The Estate Officer

Tamilnadu Slum Clearance Board,
Kamaraj Salai, Chennai-5

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to allot plot no.1171 in Nethaji Nagar, occupied by the petitioner for 30 years to the petitioner pursuant to the report of the Surveyor dated 13.3.2015.

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.R.Sivakumar

O R D E R

The relief sought for in the present Writ Petition is to direct the respondents to allot plot no.1171 in Nethaji Nagar, occupied by the petitioner for over 30 years.

2. The learned counsel for the petitioner states that the petitioner is in occupation of plot no.1171, Door no.38/47, "A" street, Nethaji Nagar, Tondairpet, Chennai-81. Admittedly, the land belongs to the Tamil Nadu Slum Clearance Board and the petitioner encroached upon the land. The petitioner made an application for allotment of the plot and it is yet to be considered by the respondents.

3. This being the factum, this Court is of the considered opinion that an encroacher cannot claim any right over the property. It is an admitted fact that the subject property belongs to the Tamil Nadu Slum clearance Board and the petitioner encroached upon the land. Therefore, the petitioner has no right to continue in the said plot.



4. However, if at all the petitioner is otherwise eligible for any tenement or allotment, it is left open to the petitioner to submit a fresh application to the competent authorities for considering the case.

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5. Contrarily, the High Court cannot give any right in respect of encroachment made by the petitioner. Therefore, the petitioner is not entitled for any relief.

6. With these observations, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

shr/kan

To

1.The Chairman
Tamilnadu Slum Clearance Board
Kamaraj Salai, Chennai-5.

2.The Estate Officer
Tamilnadu Slum Clearance Board,
Kamaraj Salai, Chennai-5.

W.P.No.39705 of 2015

RSV (CO)
PR (21/12/2021)