



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 17713 of 2021

and

W.M.P. No. 18877 of 2021

A. Violet Mary

.. Petitioner

Versus

1. The Managing Director

Tamil Nadu Slum Clearance Board

No.5, Kamarajar Salai

Chennai - 600 005

2. The Executive Engineer

Tamil Nadu Slum Clearance Board

No.5, Kamarajar Salai

Chennai - 600 005

3. The Estate Officer/Chief Revenue Officer

Estate Office-2

Tamil Nadu Slum Clearance Board

Vysarpadi

Chennai - 600 039

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents not to evict the petitioner from the property morefully described in the schedule hereunder except under due process of law

For Petitioner : Mr. C.T. Mohan
for Mr. K. Kumar

For Respondents : Mr. M. Rajasekhar



O R D E R

Mr. M. Rajasekhar, learned counsel takes notice for respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The present writ petition has been filed, seeking a direction to the respondents not to evict the petitioner from the leased property except under due process of law.

3. According to the petitioner, the vacant land situated in Chandra Yogi Samadi Street, Mangalapuram, Perambur, Chennai - 600 012 comprised in Survey No. 330/1 originally measuring 100 sq.ft., was originally let out by the first respondent to the petitioner's father for a monthly rent of Rs. 1000/- by allotment order dated 13.03.1996 in Na.Ka.No.Pa2/33976/95. After taking possession of the same, he put up a bunk at his own costs and a beetle leaf shop. Subsequently, he constructed a permanent superstructure in the said land, which was regularised by proceedings No.74 dated 30.08.1998 and the lease was renewed for further period of three years and the rent was increased to Rs. 1,200/- per month. After the death of her father, the respondent vide their proceedings dated 18.09.2017, informed the petitioner that she is in occupation of 48 sq. ft., in excess as against the allotted extent of 300 sq.ft., Thereafter, the petitioner was recognised as leasee and the lease was mutated in her favour vide order dated 26.03.2018 in Se.Mu.Ka.No.B1/7972/2017. Consequently, by proceedings dated 01.04.2019 in Se.Mu.Ka.No.Aa1/02/1991.Ea.Aa-2, the lease was renewed for further period of three years from 1.4.2019 to 31.3.2022 by increasing the lease amount from Rs. 1,757/- to Rs. 1,933/- per month. After mutation of lease, the petitioner is paying all the taxes to the authorities concerned regularly. Whole so, she was threatened by the respondents orally to vacate the leased property immediately, failing which, to evict her forcibly by demolishing the existing superstructure constructed by her. Therefore, the petitioner is before this court with the present writ petition for the aforesaid relief.

4. The learned counsel for the petitioner submitted that without issuing any show cause notice, the respondents have taken steps to dispossess the petitioner from the property leased out to her, which is arbitrary, illegal and in violation of the



principles of natural justice. Hence, the learned counsel prayed for appropriate direction to the respondents in this regard.

5. On the other hand, the learned counsel taking notice for the respondents submitted that the respondent authorities would take action only after following due process of law.

6. Regarding the submissions so made by the learned counsel appearing for the respondents, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

dhk

To

1. The Managing Director
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai
Chennai - 600 005
2. The Executive Engineer
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No.5, Kamarajar Salai
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3. The Estate Officer/Chief Revenue Officer
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Vysarpadi
Chennai - 600 039

+1cc to Mr.M.Raja Sekhar, Advocate, S.R.No.42453

+1cc to Mr.K.Kumar Babu, Advocate, S.R.No.43264

W.P. No.17713 of 2021

VBM(CO)
SB(24/09/2021)