



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.26220 to 26225 of 2014

and

M.P.Nos.1 to 1 of 2014

Mrs.K.Manjula	...Petitioner in W.P.No.26220 of 2014
Mrs. Dhanalakshmi	...Petitioner in W.P.No.26221 of 2014
H. Ramachandran	...Petitioner in W.P.No.26222 of 2014
Mrs. Selvi	...Petitioner in W.P.No.26223 of 2014
M. Chellammal	...Petitioner in W.P.No.26224 of 2014
T. Raji	...Petitioner in W.P.No.26225 of 2014

Vs

1. The Principal Secretary/Member Secretary,
Sports Development Authority of Tamilnadu,
No.116-A, Periyar E.V.R.High Road,
Near Nehru Park, Chennai-600 084.
2. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai, Triplicane, Chennai-5.
3. The Estate Officer-V,
Tamil Nadu Slum Clearance Board,
T.P.Chatram, Chennai-10. ...Respondents in all the W.Ps

COMMON PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents herein to not to remove the petitioners possession and enjoyment of the house property situated at No.288/28,288/8, 288/9, 288/13, 288/15A, 288/6 behind Tamil Nadu Slum Clearance Board Quarters, Poonamallee High Road, Near Nehru Park, Chennai-600 084 without following the due procedures established under the law.



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For Petitioner : Mr.N.Kannan - No appearance
in all WPs

For Respondent 1 : Mr.K.Azhaguraman
in all WPs

For Respondents 2 & 3 : Mr.M.Rajasekhar
in all WPs Standing Counsel for TNSCB

C O M M O N O R D E R

The relief sought for in these writ petitions are to direct the respondents not to remove the petitioners' possession and enjoyment of the of the house property situated at Nos.288/28, 288/8, 288/9, 288/13, 288/15A, and 288/6 respectively, behind Tamil Nadu Slum Clearance Board Quarters, Poonamallee High Road, Near Nehru Park, Chennai-600 084.

2. The very relief sought for in the present writ petitions, is absurd and High Court cannot grant any such relief in the nature of an injunction, more specifically, when the dispute is of civil nature.

3. The learned counsel appearing on behalf of the 1st respondent/Sports Development Authority of Tamil Nadu made a submission that the petitioners are encroachers. Portion of the land, which is under encroachment by these petitioners belong to Sports Development Authority of Tamil Nadu and the remaining land belongs to the Tamil Nadu Slum Clearance Board. The authorities are initiating action to evict the encroachers and therefore, the petitioners have filed the present writ petitions, without establishing any right.

4. If at all, the petitioners claim any right in respect of the property, they have to establish their property right by filing the original documents before the competent Civil Court of law. Contrarily, writ petitions to grant the relief in the nature of an injunction cannot be entertained at all. When the 1st respondent made a submission that the property belongs to the Sports Development Authority of Tamil Nadu and the remaining portion belongs to Tamil Nadu Slum Clearance Board, it is for the authorities to initiate all further action to evict the encroachers and utilise the land for the public purposes.

5. In these circumstances, the petitioners have not established even a semblance of legal right, so as to consider the relief as such sought for in the writ petitions.



6. Accordingly, the writ petitions stand dismissed. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

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s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

ars/mka
To

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2. The Managing Director,
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Tamil Nadu Slum Clearance Board,
T.P.Chatram, Chennai-10.

+6 Ccs to Mr.K.Azhaguraman, Advocate sr 54371, 54372, 54373,
54374, 54375, 54376.

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AD(CO)
SP(01/11/2021)