



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.23919 and 23976 of 2021  
and W.M.P.No.25247 & 25291 of 2021

Mrs.Padma Sambanthan                      ...Petitioner in W.P.No.23919 of 2021  
Mrs.R.K.Vijayalakshmi                      ...Petitioner in W.P.No.23976 of 2021

Vs.

1.The Government of Tamil Nadu  
rep.by its Secretary,  
Housing and Urban Development,  
Fort St.George, Chennai 600 001.

2.The Chairman,  
Tamil Nadu Housing Board,  
Anna Salai, Nandanam,  
Chennai 600 035.

..Respondents in both cases

COMMON PRAYER:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from in any manner interfering with the possession and enjoyment of the property situated at T.S. No. 1/2 and 1/3, ward B, Block 62, Old survey No. 581/2 and 3, Tirupathi Umbrella Road, Ambattur, Tiruvallur Distirct, measuring for an extent of 1200 square feet, 5580 Square Feet, 6900 Square Feet and 2500 Square feet respectively.

For Petitioner  
in both cases                      : Mr.M.L.Ramesh

For Respondents  
in both cases                      : Mr.M.R.Gokulkrishnan for R1  
Mr.Bhaskar  
Standing Counsel (TNHB) for R2



## COMMON ORDER

WEB COPY The petitioners have filed these writ petitions seeking issuance of Writ of Mandamus forbearing the respondents from in any manner interfering with the possession and enjoyment of the property situated at T.S. No. 1/2 and 1/3, ward B, Block 62, Old survey No. 581/2 and 3, Tirupathi Umbrella Road, Ambattur, Tiruvallur District, measuring an extent of 1200 square feet.

2. The case of the petitioners is that the petitioners have purchased the above mentioned property from Tmt.Chellammal, Rajendran and Krishnan through their Power of attorney agent under a registered Sale Deed. These lands were sought to be acquired by the 1<sup>st</sup> respondent at the instance of the 2<sup>nd</sup> respondent for housing project and invoking the provisions of the Land action Act, the 1<sup>st</sup> respondent had issued notification under Section 4(1) by G.O.Ms.No.267, Housing and Urban Development Department, dated 24.10.1975. The previous owner Mr.Krishnan had challenged the said notification with respect of S.F.No.580 and 581 of the same Village and the consequent declaration notification under Section 6 of the Act, before this Court in W.P.No.7814 of 1984 and this Court heard the writ petition and allowed by its order dated 26.11.1991, wherein the impugned acquisition proceedings were quashed and the petitioners are in possession and enjoyment of the property. When the petitioners came forward to clean the property and construct compound wall to raise superstructure upon their land, the officials of the 2<sup>nd</sup> respondent interfered with the construction and contended that the property was belonging to them. Though the petitioners have produced all the related documents of title, the officials ignored the same and obstructed the works. Hence, the petitioners have approached the 2<sup>nd</sup> respondent Office and gave representation, who in turn refused to consider the same and also lodged police complaint against the petitioners. The petitioners appeared before the Inspector of Police for enquiry and produced all the title deeds, revenue records and the order of this Court to show their bonafide. In spite of quashment of the acquisition proceedings, the 2<sup>nd</sup> respondent continues to interfere with the peaceful possession of the property. Hence the petitioners are left with no other option, except to approach this Court by filing these petitions.

3. The learned counsel appearing for the petitioners submitted that the 2<sup>nd</sup> respondent are continuously preventing the petitioners from putting up construction upon the property, by



claiming that the property belongs to the Tamil Nadu Housing Board. On an earlier occasion, this Court vide order dated 26.11.1991, made in W.P.Nos.7814 & 8760 of 1984, had quashed the very acquisition proceedings. In spite of the said fact, the 2<sup>nd</sup> respondent in clear violation of Article 14, 21 and 300A of the Constitution of India, disturbing the possession of the property and therefore, the attitude of the respondent Housing Board is not justifiable and prays for appropriate orders.

4. The learned Standing Counsel appearing for the respondent Housing Board submitted that earlier the acquisition proceedings was quashed in respect of the very same property against the vendor, however, the Board has initiated eviction proceedings only against the petitioners in accordance with the Tamil Nadu State Housing Board Act, 1961, and hence prays for dismissal of these petitions.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. On an earlier occasion, this Court vide order dated 26.11.1991 made in W.P.Nos.7814 & 8760 of 1984, had quashed the acquisition proceedings and in pursuant to the order, the land owners have dealt with their respective properties by effecting transfer, mutation of revenue records, construction of houses etc., Therefore, the officials of the 2<sup>nd</sup> respondent interfering with the possession of the property is not justifiable. Hence, this Court issues direction to the 2<sup>nd</sup> respondent not to interfere with the possession of the property without following the due process of law.

7. Accordingly, these Writ Petitions are disposed of with the above observations. No costs. Consequently connected miscellaneous petitions are closed.

s/d-  
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

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To  
1.The Secretary,  
Housing and Urban Development,  
Fort St.George, Chennai 600 001.



2.The Chairman,

Tamil Nadu Housing Board,

Anna Salai, Nandanam,

Chennai 600 035.

+1 CC to The Government Pleader sr 62216, 62215

+2 Ccs to Mr.M.L.Ramesh, Advocate sr 61821, 61822.

W.P.Nos.23919 and 23976 of 2021

SSV(CO)

SP(16/12/2021)