



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.23375 of 2019

and

W.M.P.Nos.23122 & 23125 of 2019

Lion Club of Madras Host,
District-324A1,
Registered as Society No.15 of 1975
Represented by its President,
No.1, T.P.Chathiram Main Road,
Shenoy Nagar,
Chennai-600 030.

.....Petitioner

Vs

1. The State of Tamil Nadu,
Rep by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. Tamil Nadu Slum Clearance Board,
Rep by its Managing Director,
No.5, Kamaraj Salai,
Chennai-600 005.
3. The Estate Officer-5,
Tamil Nadu Slum Clearance Board,
T.P.Chathiram, Chennai-600 010.
4. The Superintending Engineer,
Division No.IV,
Tamil Nadu Slum Clearance Board,
T.P.Chathiram, Chennai-600 010.
5. The Assistant Engineer,
Zone-V,
Tamil Nadu Slum Clearance Board,
T.P.Chathiram, Chennai-600 010.



6. The Assistant Secretary, (Estates),
Tamil Nadu Slum Clearance Board,
T.P.Chathiram, Chennai-600 010.

.....Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring the proceedings of Tamilnadu Slum Clearance Board vide Resolution No.5.04/473 dated 07.06.2019 of Second Respondent not served on the petitioner and the consequent proceedings of the managing Director of the Second Respondent vide Na.Ka.No.Ne.AA.1 (1)/7000/7 dated 09.07.2019, received by the petitioner on 10.07.2019 directing the petitioner to handover possession of its Hospital premises at No.1, T.P. Chathiram Main Road, Shenoy Nagar, Chennai-600 030; and attendant Letters dated 16.07.2017 and 17.07.2019, respectively of the fifth and fourth Respondents, respectively, of as "NULL & VOID", illegal and Non-est in eye of law and consequently forbear the respondents officials of Tamilnadu Slum Clearance Board (TNSCB) from evicting the petitioner from its premises at No.1, T.P.Chathiram save in accordance with law.

For petitioner : Mr. K. Shakespeare

For R-1 : Mr. P. Gurunathan,
Additional Government Pleader

For R2 - R6 : Mrs. D. Latta

ORDER

The present petition has been filed seeking declaration of the proceedings of Tamilnadu Slum Clearance Board vide Resolution No.5.04/473 dated 07.06.2019 and the consequent proceedings of the managing Director of the 2nd Respondent, directing the petitioner to handover possession of the Hospital premises and to forbear the respondents officials of Tamilnadu Slum Clearance Board (TNSCB) from evicting the petitioner from the subject premises.

2. The case of the petitioner is that the petitioner's Club had offered two tenements next to community hall at T.P.Chathiram to run a Health Centre at nominal rate of Rs.100 per annum to cater to the medical needs of slum dwellers, at the instance of the Tamilnadu Slum Clearance Board (for short 'TNSCB'). While being so, the 2nd respondent Board agreed to lease out a landsite opposite to the tenements. Subsequent to



which, the petitioner's club had expanded its activities for rendering the medical services. While being so, the TNSCP demanded the rent based on per square feet, failing which the petitioner will be evicted from the premises, which was challenged before this Court by way of Writ Petition in W.P.No.10896 of 2010, in which, this Court had granted the injunction against eviction of the petitioner. Later the said petition was withdrawn based on the assurance given by the Managing Director of the 2nd respondent Board stating that the demand for extension of the lease will be considered. Subsequently, the 2nd respondent had collected a sum of Rs.11,82,261/- from the petitioner towards the alleged arrears of the lease amount. However, the petitioner has now been called upon by the 2nd respondent board to vacate the Hospital for non payment of enhanced rent to the tune of Rs.9,25,000/-. Aggrieved by the same, the present Writ Petition has been filed seeking the aforesaid relief.

3. Learned counsel appearing for the petitioner submits that the petitioner is ready to pay a sum of Rs.7,93,000/- towards the arrears of enhanced rent, within a period of four weeks.

4. On the above contentions, heard the learned counsel appearing for respondents and perused the materials available on record.

5. Though the petition has been filed for quashment of the impugned order, however, in view of the stand of the petitioner that he will pay the arrears of enhanced rent, this Court without going into the merits of the case and on perusal of the materials available on record, directs the petitioner to pay a sum of Rs.7,93,000/- towards enhanced rent due within a period of four weeks from the date of receipt of a copy of this order and further the petitioner directed to pay the rent amount in future without any default.

6. With the above direction, this Writ Petition is disposed of. No Costs. Consequently, the connected Miscellaneous petitions are closed..

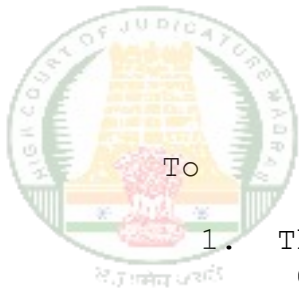
Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

NHS



To

WEB COPY

1. The Secretary,
Government of Tamil Nadu,,
Housing and Urban Development Department,
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Chennai-600 009.
2. The Managing Director,
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6. The Assistant Secretary, (Estates),
Tamil Nadu Slum Clearance Board,
T.P.Chathiram, Chennai-600 010.

+1cc to Mr.K.Shakespear, Advocate SR.No.66438
+1cc to Mr.D.Latha, Advocate SR.No.66462
+1cc to the Government Pleader SR.No.67465

W.P.NO.23375 of 2019

SJ(CO)
GN(15/02/2022)