



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.10334, 10336, 10338, 10339, 10342 to 10345 of 2022

and W.M.P.Nos.10052, 10053, 10056 to 10062,

10064 to 10067, 10069 to 10071 of 2022

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K.GOPAL	... PETITIONER IN W.P.NO.10334 OF 2022
B.RAVIKUMAR	... PETITIONER IN WP NO.10336 OF 2022
G.INDRA	... PETITIONER IN WP NO.10338 OF 2022
A.KUMAR	... PETITIONER IN WP NO.10339 OF 2022
R.CHANDRA	... PETITIONER IN WP NO.10342 OF 2022
K.MAHALAKSHMI	... PETITIONER IN WP NO.10343 OF 2022
SP SUBBURAJ	... PETITIONER IN WP NO.10344 OF 2022
SAGUL AMID	... PETITIONER IN WP NO.10345 OF 2022

Vs

- 1.The Chairman,
Tamil Nadu Urban Habitat Development Board
[Formerly Tamilnadu Slum Clearance Board]
No.5, Kamarajar Salai, Chepauk,
Chennai - 600 005.
- 2.The Managing Director,
Tamil Nadu Urban Habitat Development Board
[Formerly Tamilnadu Slum Clearance Board]
No.5, Kamarajar Salai, Chepauk,
Chennai - 600 005.
- 3.The Executive Engineer,
Division - III, T.P.Chatram,
Tamil Nadu Urban Habitat Development Board
[Formerly Tamilnadu Slum Clearance Board],
Chennai - 600 010. ... Respondents in all WPs

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus,



Prayer in IN W.P.NO.10334 OF 2022:

Calling for the records of the 3rd respondent vide his impugned eviction notice dated 21.03.2022 and quash the same as illegal for having been passed by misrepresenting the Order of this Court in W.P.No.21383/2021 dated 22.10.2021 and to further forbear the respondents and their men, agents, subordinates from evicting the petitioner from her shop in any manner whatsoever without following the guidelines as laid down in W.P. No.15616/ 2018 dated 28.08.2019.

Prayer in WP No.10336 of 2022:

Calling for the records of the 3rd respondent vide his impugned eviction notice dated 21.03.2022 and quash the same as illegal for having been passed by misrepresenting the order of this Honourable Court in W.P.No.21161/2021 dated 22.10.2021 and to further forbear the respondents and their men, agents, subordinates from evicting the petitioner from her shop in any manner whatsoever without following the guidelines as laid down in W.P. No.15616/ 2018 dated 28.08.2019

Prayer in WP No.10338 of 2022:

Calling for the records of the 3rd respondent vide his impugned eviction notice dated 21.03.2022 and quash the same as illegal for having been passed by misrepresenting the order of this Honourable Court in W.P.No.21159/2021 dated 22.10.2021 and to further forbear the respondents and their men, agents, subordinates from evicting the petitioner from her shop in any manner whatsoever without following the guidelines as laid down in W.P. No.15616/ 2018 dated 28.08.2019

Prayer in WP No.10339 of 2022:

Calling for the records of the 3rd respondent vide his impugned eviction notice dated 21.03.2022 and quash the same as illegal for having been passed by misrepresenting the order of this Honourable Court in W.P.No.21166/2021 dated 22.10.2021 and to further forbear the respondents and their men, agents, subordinates from evicting the petitioner from her shop in any manner whatsoever without following the guidelines as laid down in W.P. No.15616/ 2018 dated 28.08.2019.

Prayer in WP No.10342 of 2022:

Calling for the records of the 3rd respondent vide his impugned eviction notice dated 21.03.2022 and quash the same as illegal for having been passed by misrepresenting the order of this Honourable Court in W.P.No.21377/2021 dated 22.10.2021 and to further forbear the respondents and their men, agents, subordinates from evicting the petitioner from her shop in any manner whatsoever without following the guidelines as laid down in W.P. No.15616/ 2018 dated 28.08.2019.



Prayer in WP No.10343 of 2022:

Calling for the records of the 3rd respondent vide his impugned eviction notice dated 21.03.2022 and quash the same as illegal for having been passed by misrepresenting the order of this Honourable Court in W.P.No.21158/2021 dated 22.10.2021 and to further forbear the respondents and their men, agents, subordinates from evicting the petitioner from her shop in any manner whatsoever without following the guidelines as laid down in W.P. No.15616/ 2018 dated 28.08.2019.

Prayer in WP No.10344 of 2022:

Calling for the records of the 3rd respondent vide his impugned eviction notice dated 21.03.2022 and quash the same as illegal for having been passed by misrepresenting the order of this Honourable Court in W.P.No.21163/2021 dated 22.10.2021 and to further forbear the respondents and their men, agents, subordinates from evicting the petitioner from her shop in any manner whatsoever without following the guidelines as laid down in W.P. No.15616/ 2018 dated 28.08.2019.

Prayer in WP No.10345 of 2022:

Calling for the records of the 3rd respondent vide his impugned eviction notice dated 21.03.2022 and quash the same as illegal for having been passed by misrepresenting the order of this Honourable Court in W.P.No.21379/2021 dated 22.10.2021 and to further forbear the respondents and their men, agents, subordinates from evicting the petitioner from her shop in any manner whatsoever without following the guidelines as laid down in W.P. No.15616/ 2018 dated 28.08.2019.

In all WPs

For Petitioners : Mr.R.Ganesh Kanna
in all W.Ps

For Respondents : Mr.Rajasekar
in all W.Ps

C O M M O N O R D E R

Mr.Rajasekar, learned counsel accepts notice for the respondents and is fully in possession of the requisite particulars to enable a final disposal of the matters even at the stage of admission.

2. The petitioners are all licensee and occupants of the Bunk Shop at NVN Nagar Project Area at Thirumangalam, Chennai - 600 040. They claim to have been allotted the shops several years ago and have been carrying on business therein over the years.



3. There was a proposal for the demolition of the shops, pursuant to which, representations appears to have been made by several allottees. On account of the pendency of the representations, writ petitions came to be filed that were constituted into a batch and was disposed on 22.10.2021 in W.P.No.21158 of 2021 and batch by a learned Single Judge of this Court.

4. Inter alia, a direction was given to the respondents to consider and dispose the representations of the petitioners on merits and in accordance with law within a period of four weeks from date of receipt of a copy of that order.

5. Pursuant thereto, the petitioners have been heard and proceedings dated 19.01.2022 have been issued by R3 i.e., the Executive Engineer of the Board to the effect that the proposal of the Board as on date is only for construction of tenement.

6. If at all, there is additional space after construction of the tenement, as proposed, then the board may consider to accommodate bunk shops also therein. In such an event, they assure that offers will be made to the original allottees first and this is captured in paragraph 2 of proceedings dated 19.01.2022 to following effect:

“மேற்கண்ட திட்டப்பகுதியில் பழைய குடியிருப்புகள் இடித்து விட்டு புதிய குடியிருப்புகள் கட்டுமானப்பணி நடைபெற்று வருவதால் கட்டுமானப்பணி முடிவற்ற பிறகு போதிய இடவசதி இருந்து பங்கு (Bunk) ஒதுக்கீடு செய்யும் நிலை ஏற்படின் தங்களது கோரிக்கை பரிசீலிக்கப்படும் என்ற விவரம் தெரிவித்துக் கொள்ளப்படுகிறது.”

7. The Proceedings dated 19.01.2022 have been accepted by the petitioners and have not been challenged. What is now challenged is the eviction notice dated 21.03.2022 asking them to vacate the premises within 7 days from the receipt of the notice.

8. In view of the trajectory of events as noticed above, I see noting untoward in the impugned notice and learned counsel for the petitioner is also no in a position to point out any infirmity, legal or otherwise. The impugned notices are thus sustained.

9. The respondents will ensure that they adhere to the undertaking set out in the communication dated 19.01.2022. The period of seven days stipulated in notice dated 21.03.2022 will commence from today.

10.



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10. This Writ Petition is disposed in the above terms.
Connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Jeni/Ska

To

1.The Chairman,
Tamil Nadu Urban Habitat Development Board
[Formerly Tamilnadu Slum Clearance Board]
No.5, Kamarajar Salai, Chepauk,
Chennai - 600 005.

2.The Managing Director,
Tamil Nadu Urban Habitat Development Board
[Formerly Tamilnadu Slum Clearance Board]
No.5, Kamarajar Salai, Chepauk,
Chennai - 600 005.

3.The Executive Engineer,
Division - III, T.P.Chatram,
Tamil Nadu Urban Habitat Development Board
[Formerly Tamilnadu Slum Clearance Board],
Chennai - 600 010.

+8 ccs to Mr.R.Ganesh Kanna, Advocate Sr.NO.
29186,29187,29188,29189,29190,29191,29192,29193

W.P.Nos.10334, 10336, 10338, 10339, 10342 to 10345 of 2022
and W.M.P.Nos.10052, 10053, 10056 to 10062,
10064 to 10067, 10069 to 10071 of 2022

SR II(CO)

A.SK(30/05/2022)