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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.NO.17689 OF 2020

S.Shanthi Selvakumar

... Petitioner

-Vs-

1. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai - 600 035.
2. The Superintending Engineer,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai - 600 035.
3. The Executive Engineer &
Administrative Officer,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai - 600 035.
4. The District Collector,
Chennai District,
No.62, Rajaji Salai,
Chennai - 600 001.
5. The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Mogappair Road,
Chennai - 600 101.
6. The Tahsildar,
Ambattur Taluk,
Ambattur,
Chennai - 600 053.



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7. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.
 8. The Zonal Officer, Zone-VII,
Greater Chennai Corporation,
Thiruvallur High Road,
Opp. Dunlop, Ambattur,
Chennai - 600 053.
 9. The Zonal Health Officer,
Zone-VII,
Greater Chennai Corporation,
Thiruvallur High Road,
Opp. Dunlop, Ambattur,
Chennai - 600 053.
 10. Deputy Commissioner of Police,
Anna Nagar Range,
O/o.K.4 Police Station,
Anna Nagar,
Chennai - 600 040.
 11. The Assistant Commissioner of Police,
Thirumangalam Range,
Chennai - 600 101.
- ... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents to remove the encroachment made in Survey No.269/1 Part, 273/1 Part, 253/1 Part in T.S.No.Ward-I,Block 40, Chennai Corporation Division No.89, within a stipulated period fixed by this Court.

For Petitioner : Mr.C.Ravichandran
For M/s.V.C.Selvasekaran

For Respondents : Mr.R.Bharathkumar
1 to 3

For Respondents : Mr.A.Selvendran
4 to 6, 10 & 11 Special Government Pleader

For Respondents : Mr.K.Raja Shrinivas
7 to 9 Standing Counsel



ORDER

(Order of the Court was made by T.RAJA, J.)

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This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to remove the encroachment made in Survey Nos.269/1 Part, 273/1 Part, 253/1 Part in T.S.No.Ward-I,Block 40, Chennai Corporation Division No.89, within a stipulated period fixed by this Court.

2. Learned Counsel appearing for the petitioner would submit that the petitioner is the owner of the property at No.8-A, Om Sakthi Street, Kumaran Nagar Extension-I, Padi, Chennai in Survey No.269/1A having purchased the same from one Ponniah. Thereafter, a residential house has been constructed after obtaining necessary planning permission from the competent authorities and her property has been assessed for property tax by the erstwhile Ambattur Municipality and now comes under the purview of Greater Chennai Corporation, Zone-VII. While so, the Government of Tamil Nadu has taken the larger extent of lands belong to Mr.Ponnaiah under the Land Acquisition Act and he handed over the same to the Tamil Nadu Housing Board for development of dwelling houses. But the land which was purchased by the petitioner from the said Ponnaiah was not taken by the Tamil Nadu Housing Board. Subsequently, due to the non-maintenance of the lands by the TNHB, slum dwellers have encroached the said lands and put up their huts by encroaching the street thereby creating ingress and egress to the petitioner's property. Since the petitioner's access to the main road has been blocked, she has given a representation dated 13.09.2020 to remove the same. But, no action has been forthcoming.

3. Learned Standing Counsel for the Tamil Nadu Housing Board would submit that some of the encroachers have been removed as the lands belong to the Tamil Nadu Housing Board and action would be taken against the remaining encroachers.

4. Considering the facts and circumstances of the matter, the 3rd respondent, namely, Executive Engineer & Administrative Officer, Tamil Nadu Housing Board, No.493, Anna Salai, Nandanam, Chennai-600 035 is directed to consider and dispose of the representation of the petitioner dated 13.09.2020 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this Order.



5. With the above directions, the Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai - 600 035.
2. The Superintending Engineer,
Tamil Nadu Housing Board,
No.493, Anna Salai,
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O/o.K.4 Police Station,
Anna Nagar,
Chennai - 600 040.
11. The Assistant Commissioner of Police,
Thirumangalam Range,
Chennai - 600 101.

+1cc to Mr.R.Bharathkumar, Advocate, S.R.No.17387
+2ccs to M/s.V.C.Selvasekaran, Advocate, S.R.No.16982
+1cc to the Government Pleader, S.R.No.17448

W.P.NO.17689 OF 2020

SKM(CO)
PBS/29/03/2022