



W.P.No.17507 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2022

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

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Thanthai Periyar Nagar Kudiyiruppor Nala Sangam,
rep. by its Vice President Yusuf,
No.1, Kattabomman Street,
100 Feet Road, Thanthai Periyar Nagar,
Tharamani, Chennai-600 113.

.. Petitioner

Vs

- 1.The Managing Director,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai, Chennai-600 005.
- 2.The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Division – VI
No.130, Ramakrishna Matt Road,
Mylapore, Chennai-600 004.
- 3.The Inspector of Police,
Tharamani Police Station,
Tharamani, Chennai – 600 113.



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4.Saraswathi
5.Renuka
6.Vetrivel

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first and second respondents to consider and pass orders on the representation dated 9.9.2020 made by the petitioner Sangam and, consequently, allot the land of an extent of about 20,000 Sq. ft., Taramani Village, Thanthai Periyar Nagar, Taramani, Chennai-600 113 for the public purpose.

For the Petitioner : Mr.T.Ramesh
for Mr.K.Venkatesan

For the Respondents : Mr.S.Silambanan
Addl. Advocate General-II
assisted by
Mr.Babu Muthu Meeran
Standing Counsel
for respondent Nos.1 and 2

: Mr.Alagu Gowtham
Government Advocate
for respondent No.3

: Mr.S.Thiruvankadam
for respondent Nos.4 to 6



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ORDER

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(Order of the court was made by D.KRISHNAKUMAR,J.)

By consent of all the parties, the writ petition is taken up for final disposal.

2. The petitioner, which is a sangam established in the year 2019 for protecting the interest of its members and to ventilate the grievances of its members, has filed this writ petition seeking issuance of a writ of mandamus directing respondents 1 and 2 to consider and pass orders on the representation dated 9.9.2020 made by the petitioner sangam and, consequently, allot the land of an extent of about 20,000 Sq. ft., Taramani Village, Thanthai Periyar Nagar, Taramani, Chennai-600 113 for the public purpose.

3. According to the petitioner, the first respondent, vide proceedings dated 27.3.1997, cancelled the allotment of 23 allottees in respect of the land situated at Thanthai Periyar Nagar, Taramani, Chennai, of an extent of 20,000 sq.ft., as the allottees were not residing in the land allotted to them. Thereafter, the land



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is stated to be lying vacant for the last 20 years. The cancellation of the allotment was confirmed by the Tamil Nadu Slum Clearance Board vide proceedings Na.Ka.A2/Ko/2019, dated 29.10.2019. The petitioner sangam submitted a representation on 9.9.2020 to respondents 1 and 2 seeking allotment of the aforesaid land for public purpose, as there are no eligible allottees.

4. It is stated that respondents 4 and 5, suppressing the fact of cancellation of allotment made in respect of the lands bearing Plot Nos.146 and 147, filed W.P.Nos.1617 and 1620 of 2020 and by virtue of the interim order passed therein on 2.3.2020 they are attempting to put up construction in the aforesaid land.

5. Learned counsel for the petitioner submits that respondents 4 to 6 do not have any right over the land in question. The allotment made in favour of 23 allottees was cancelled way back in 1997 and the same has also been confirmed by the Tamil Nadu Slum Clearance Board and, therefore, respondents 4 to 6 are illegally encroaching upon the said property and raising



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construction. He further submitted that as against the interim order granted in favour of respondents 4 and 5, the petitioner sangam has filed writ appeals and they are pending consideration.

6. Learned counsel appearing for the sixth respondent submitted that, as a power agent of fourth and fifth respondents, he is also appearing on their behalf. Refuting the submission made by learned counsel for the petitioner, he submitted that respondents 4 to 6 are lawful owners of the land in question and they possess records to fortify their stand and if an enquiry is conducted by the appropriate authority, respondents 4 to 6 will produce the relevant records.

7. Learned Additional Advocate General submitted that a reasonable time may be granted to the first respondent, i.e., the Managing Director, Tamil Nadu Slum Clearance Board, to conduct a detailed enquiry in the matter based on the records available with the Tamil Nadu Slum Clearance Board as well as the records to be furnished by the parties.



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8. At this juncture, learned counsel for the petitioner submitted that he is disputing the very execution of the power of attorney by respondents 4 and 5 in favour of the sixth respondent and, therefore, the said aspect should also be enquired by the first respondent. He further submitted that the interim order passed by this court on 20.7.2021 to the effect that no further construction should be undertaken at Plot Nos.146 and 147 should be extended till the completion of the enquiry.

9. Learned counsel on either side, in one voice, submitted that any order passed in this writ petition will not have a bearing on the pending writ petitions and writ appeals.

10. On an overall consideration of the submissions made on either side, we are of the firm view that it is fit and proper to direct the first respondent to consider the following issues:

- (i) Whether respondents 4 and 5 are lawful owners of the land in question or they are encroachers?



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- (ii) Whether the power of attorney executed by respondents 4 and 5 in favour of the sixth respondent is a genuine document? and
- (iii) To consider the claim of the writ petitioner seeking allotment of the land for public purpose?

11. The first respondent shall consider the aforesaid issues and pass appropriate orders, after affording an opportunity of hearing to all the parties, within a period of twelve weeks from the date of receipt of a copy of this order. The parties are at liberty to produce the documents in support of their respective claims before the first respondent. We further make it clear that the first respondent shall pass orders independently, without being influenced by any of the observations made in this writ petition. Until appropriate orders are passed by the first respondent, the interim order already granted to the effect that no further construction would be undertaken at Plot Nos.146 and 147 shall hold good.



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The writ petition is disposed of accordingly. There will be no order as to costs. Consequently, W.M.P.No.21690 of 2020 is closed.

(D.K.K., J.) (T.V.T.S., J.)
04.11.2022

Index : Yes/No
sasi

To:

- 1.The Managing Director,
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