



W.P.No.24505 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 11.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24505 of 2015 &
W.M.P.No.1 of 201

- 1.P.Karnan
- 2.D.Myvizhi
- 3.A.Rajan
- 4.P.Maheshwari
- 5.S.Devi
- 6.M.Jagadeesan
- 7.K.Sundarraaj
- 8.P.Devi
- 9.C.Sekar
- 10.M.Bhaskar
- 11.J.Udaya Kumar
- 12.J.Ravi Kumar
- 13.D.Komala
- 14.Nagammal
- 15.J.Jaydhabee
- 16.S.Nashreen
- 17.Bhagavathi
- 18.Muthammal
- 19.Uma Maheshwari
- 20.Thajudeen
- 21.Shabana
- 22.M.Thajunisha
- 23.V.Latha
- 24.Nalla Thambi



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25.Chitra
26.Ramamoorthy
27.Raja Sekar
28.Sankar
29.Gopi
30.Mahalakshmi
31.Mohana
32.Sarathy
33.Santhi
34.Vijayalakshmi
35.Durai Raji
36.Deva Raj
37.P.Balasubramaniyan
38.M.Lakshni
39.Thangavel
40.Vijaylakshmi
41.B.Pauunu
42.Mohanakrishnan
43.Mathu Mathim
44.Dhanalakshmi
45.Ramalingam
46.Chandra
47.Muthulingam
48.Sanjay Gandhi
49.Kalirajan
...Petitioners

Vs.

1.The Collector,
O/o. The Collectorate,
Thiruvallur District.

2.The Tahsildar,
O/o, Tahsildar,
Ponneri Taluk, Thiruvallur District.



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3.The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Thzhamuthu Natarajar Maligai,
Egmore, Chennai – 600 008.

4.The Principal Secretary,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai, Chepauk,
Chennai – 05.
(R4 Suo Motu Impleaded vide
order dated 20.04.2023 made in
W.P.No.24505 of 2015)

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the third respondent or their officials or their men or agents or anybody or persons acting under their instruction or any third party from disturbing the peaceful possession and enjoyment of the petitioners, living in the Dr.Kalainger Nagar, Slum Area, Manali New Tow, Chennai – 600 103 in Survey No.9/1A1, 9/1A2 and 9/C3, without due process of law.

For Petitioner : Mr.K.Seetharam

For Respondents 1 & 2: Mr.T.Venkatesh Kumar,
Special Government Pleader

For Respondent 3 : Mrs.P.Veena Suresh,
Standing Counsel

For Respondent 4 : Mr.Babu Muthu Meeran,
Standing Counsel



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ORDER

The relief sought for in the present writ petition is to forbear the third respondent or their officials or their men or agents or anybody or persons acting under their instruction or any third party from disturbing the peaceful possession and enjoyment of the petitioners, living in the Dr.Kalainger Nagar, Slum Area, Manali New Tow, Chennai – 600 103 in Survey No.9/1A1, 9/1A2 and 9/C3, without due process of law.

2. The petitioners state that they are in occupation of the subject property at Dr.Kalaingar Nagar, Slum Area (Previously J.J.Nagar), Manali New Town, Chennai, a part of the old village, Sadayankuppam. The petitioners state that the lands are classified as “Grama Natham” and they are in occupation of the land by constructing hut or building and they are residing there. Each petitioners have occupied two cents of land. The petitioners submitted an application for grant of patta to the District Collector, Thiruvallur and thereafter, the second respondent issued a notice for enquiry. Since the authorities have initiated action to evict the



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petitioners, they are constrained to move this writ petition.

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3. Admittedly, the petitioners are not the absolute owners of the property. They are in occupation of the land belonging to the Government. The land stands in the name of Chennai Metropolitan Development Authority and it was allotted by the Government for developmental activities.

4. The fact remains that the subject property which was allotted to the Chennai Metropolitan Development Authority had already been handed over to the Tamil Nadu Slum Clearance Board / Tamil Nadu Urban Habitat Development Board. Since the Chennai Metropolitan Development Authority has handed over the land to the Urban Habitat Development Board, this Court has impleaded the Urban Habitat Development Board as party respondent.

5. The Board has given a written instruction through the learned counsel appearing on behalf of the Board on 21.04.2023 stating that the subject property is required for developmental activities and the Board has to construct new building for the benefit of eligible landless poor people



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and therefore, the case of the petitioners also will be considered, if they submit an appropriate application and if they are eligible in accordance with the terms and conditions of the scheme for allotment of free flat/house. It is stated by the Board that they have proposed to construct a multi-storey residential complex and the case of the petitioners also will be considered as per their eligibility and on submission of their applications respectively.

6. In view of the fact that the Board has consented for considering the case of the eligible petitioners, the relief as such sought for in this writ petition deserves no merit consideration. More so, such a relief to restrain the respondents from interfering cannot be granted, since the subject property belongs to the Urban Habitat Development Board and already they have taken a decision to develop housing projects.

7. With these clarifications, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11.07.2023

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Index : Yes
Speaking order

To

- 1.The Collector,
O/o. The Collectorate,
Thiruvallur District.
- 2.The Tahsildar,
O/o, Tahsildar,
Ponneri Taluk, Thiruvallur District.
- 3.The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Thzhamuthu Natarajar Maligai,
Egmore, Chennai – 600 008.
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S.M.SUBRAMANIAM, J.

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