



W.P.Nos.6938 and 6941 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 07.03.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.6938 and 6941 of 2023

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| 1. Balachandran | ...Petitioner in W.P.No.6938 of 2023 |
| 2. V.Jothi Kumar | ...Petitioner in W.P.No.6941 of 2023 |

Vs.

1. The Government of Tamil Nadu,
represented by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai-600 009.
2. The Principal Secretary to Government,
Public Works Department,
Secretariat,
Chennai.
3. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.
4. The District Collector,
Collectorate Buildings,
Chennai.



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5. The Chairman/Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai-600 005.

6. The Executive Engineer,
Division-IV, Tamil Nadu Slum Clearance Board,
T.P.Chatram, Chennai.

7. The Chief Engineer,
Office of the Chief Engineer (Buildings),
PWD., Kamarajar Salai,
Chepauk, Chennai.

... Respondents in both W.Ps

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 5th respondent made in proceedings in SE.MU.E5/12851/2018 dated 09.11.2020 and quash the same and consequently directing the 6th respondent to execute and register a sale deed in favour of the petitioner's premises bearing Plot No.46, Door No.44/29 and Plot No.47, Door No.43/28 Kathiravan Colony, 1st street, Shenoy Nagar, Chennai, within the stipulated time as that may be fixed by this Hon'ble Court.

In both W.Ps

For Petitioners : Mr.N.Umapathi

For Respondents

R1, R2 and R4 : Mr.S.Balamurugan
Government Advocate

R3 : M/s P.T.Ramadevi

R5 and R6 : Mr.S.Karthikeyan
Standing Counsel



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COMMON ORDER

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Since the issue involved in the present writ petitions are one and the same they are disposed of by way of this common order.

2. The case of the petitioners is that the petitioners have been allotted plots in Plot No.46, Door No.44/29 and Plot No.47, Door No.43/28 Kathiravan Colony, 1st street, Shenoy Nagar, Chennai in respective writ petitions by the Slum Clearance Board in the year 1995. Thereafter, the petitioners were residing there without any hindrance by any of the parties. The petitioner has obtained electricity connection, metro water and sewerage connection and making statutory payments till date. The grievance of the petitioners is that, after a long period of allotment, the respondents have cancelled the said allotment without giving any opportunity to the petitioners. Hence, the present writ petition has been filed challenging the same.

3. Learned counsel for the petitioners submit that the petitioners are residing there for 3 – 4 decades by paying the entire sale consideration. Since the Slum Clearance Board has obtained the entire sale consideration it is not entitled to



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cancel the same after a period of 35 years without assessing any reasons which is arbitrary and illegal.

4. Per contra learned counsel appearing for the respective respondents submit that the area allotted to the petitioners was taken back by the Government on the ground that the said plot is located on the bank of the Koovam river. He further submits that an alternate site has been allotted to the petitioners and hence no prejudice is caused to the petitioners.

5. Admittedly, the petitioners have been allotted after receiving the entire sale consideration. It is also not in dispute that the said allotment has been cancelled and a new allotment has been made. Since the said plot is on the bank of Koovam river which is under re-development, the said allotment has been cancelled. An allotment of land by the Slum Clearance Board does not mean that the petitioners can claim title over the same. Though the said allotment has been cancelled by the respondents, the petitioners have been allotted with an alternate site in view of the same. Hence, the petitioners contentions that they have been evicted from the original plot is misconceived.



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6. In the light of the above, this Court finds no reason to interfere with the impugned order and the same is confirmed. These writ petitions stand dismissed.

No costs.

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Index : Yes/No

Speaking order : Yes/No

To

1. The Secretary,
The Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George, Chennai-600 009.
2. The Principal Secretary to Government,
Public Works Department,
Secretariat,
Chennai.
3. The Commissioner,
Corporation of Chennai,
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