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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **03.01.2023**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 22232 of 2022

S.Alexander @ Alexander James

... Petitioner

..Vs..

1. The Managing Director
Tamil Nadu Slum Clearance Board
No.5, Kamaraj Salai,
Chennai – 600 005.

2. Mrs. Neelaveni

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the first respondent to consider and dispose of the petitioner's representation dated 28.07.2022 based on the Sec.57 of the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971 and thereby evict the encroacher i.e., 2nd respondent from the plot bearing No.188 situated at Survey No.123/1, Periyar Nagar, Adambakkam, Chennai, within the time to be stipulated by this Hon'ble Court.

For Petitioner

:: Mr. S.Srinivasan

For 1st Respondent

:: Mr. Babu Muthu Meeran
Standing Counsel for TNSCB

**ORDER**

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The Writ Petition has been filed in the nature of a Mandamus seeking further disposal of the representation dated 28.07.2022 given by the petitioner under Section 57 of the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971 and for a direction to the first respondent to take action against the second respondent.

2. The learned counsel for the first respondent had explained the facts. According to him, the property in question had been allotted to the grandfather of the petitioner herein. He also pointed out the representation wherein it is stated that the said grand father had borrowed a sum of Rs.50,000/- from the second respondent and thereafter, had executed an unregistered sale deed in favour of the second respondent. It is also seen that the second respondent had also filed a civil suit and obtained an order of permanent injunction as not only against the grand father but also against the petitioner herein. It is however contended that on the date when the decree was passed, the grand father had died. These are issues which the first respondent may take into consideration and examine whether the petitioner is in lawful occupation or whether the second respondent is in lawful occupation or whether both of them are encroachers and thereafter, follow the procedure as given under Section 57 of the



Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971, provide necessary opportunity to all the parties to address the issues and then, pass orders which are effective in nature.

3. The primary aim is to ensure that encroachers do not continue squat over the property over which they have no right. Let the first respondent take a considered decision after following the rules and regulations and in accordance with law. If they are encroachers, then necessary action may be taken and more importantly, ensure that no sale deed is executed in favour of any encroacher.

4. I am confident that the first respondent would adhere to the contours of law and pass necessary orders. Let the first respondent pass necessary orders on or before 31.07.2023.

5. With the above direction, the Writ Petition stands disposed of. No costs.

03.01.2023

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order



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C.V.KARTHIKEYAN, J.,

vsg

To

The Managing Director
Tamil Nadu Slum Clearance Board
No.5, Kamaraj Salai,
Chennai – 600 005.

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