



WEB COPY



WP No.27691 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WP No.27691 of 2022

Balasubramani

: Petitioner

Vs

1.The Chairman

Tamilnadu Urban Habitat Development Board
Kamarajar Salai Chennai - 600 005.

2.The Managing Director

Tamilnadu Urban Habitat Development Board
Kamarajar Salai Chennai - 600 005.

3.The Executive Engineer

Division-7 Tamilnadu Urban Habitat Development Board
Teynampet Chennai - 600 018.

4.The Estate Officer

Division-7 Tamilnadu Urban Habitat Development Board
Teynampet Chennai - 600 018.

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the notice dated 04.08.2022 issued by the 4th respondent quash the same and consequently forbearing the respondents from taking eviction proceedings against the petitioner without providing alternative site.

For the Petitioner : Mr.J.Sudhakaran

For the Respondents : Ms.K.Indumathy Venkatesh



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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.J.Sudhakaran, learned counsel for the petitioner and Ms.K.Indumathy Venkatesh, learned counsel for the respondents.

2. According to the petitioner, the petitioner is a tenant of the subject-land of the respondents and he is paying rent. The order of eviction is issued under the impugned notice.

3. The learned counsel for the respondents submits that the petitioner was inducted as a tenant. He is not supposed to alienate, transfer or sub-let the property. However, the petitioner has sold the property to another person viz., S.Panchatsharam for Rs.1,15,000/- (Rupees One Lakh and Fifteen Thousand only) and has also delivered possession to him. The respondents have produced a copy of the sale deed.

4. There are rival contentions about the issuance of show-cause notice prior to the present order. Section 57 of the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971 deals with the powers of eviction.

5. The procedure, as contemplated under the Act, has to be adhered to. The impugned order / notice, dated 04.08.2022 shall be construed as a show-



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cause notice. The petitioner shall file a reply to the same, along with the documents on which the petitioner relies, within ten days from today. After the reply is received within ten days, the respondents shall take a decision with regard to the possession of the petitioner, on its own merits and considering the reply, and adhering to the provisions of law.

6. With this observation, the writ petition is disposed of. There will be no order as to costs. Consequently, WMP No.26963 of 2022 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

07.09.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

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