



WP No.6816 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.6816 of 2021

Ashoknagar Residents Welfare Association
Rep by its Secretary R.Muthukumar
Reg No.312/2018 Plot No.99
91st Street Kamarajar Salai Ashok Nagar
Chennai- 600 083.

: Petitioner

versus

- 1.The State of Tamil Nadu
Rep by its Secretary Department of Home
Fort St George, Chennai- 600 009.
- 2.The Chairman
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai, Chepauk, Chennai-5.
- 3.The Superintendent Engineer
CEDC South Tamil Nadu Electricity Board
Anna Main Road, K.K.Nagar, Chennai-78.
- 4.The Assistant Engineer
O & M/ Ashok Nagar West TANGEDCO
KK Nagar Chennai- 600 078.
- 5.The Assistant Commissioner
Corporation of Chennai
10th Zone, Kodambakkam
Chennai- 600 024.



WP No.6816 of 2021

6.K.S.Narayanasamy

7.V.Ramamoorthy

8.Radha

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records pertaining to impugned order dated 23.06.2011 vide Na.Ka.No.A.AA.8/7316/96 issued by the 2nd respondent and quash the same.

For Petitioner : Mr.Adeesh Anto

For Respondent No.1 : Mr.A.Edwin Prabhakar,
State Government Pleader

For Respondent No.2 : Mr.G.Venkatesan

For Respondents 3, 4 : No appearance

For Respondent No.5 : Mr.A.Arun Babu

For Respondent No.8 : Mr.Richardson Wilson,
for M/s.P.Wilson Associates

Not ready in notice for respondents 6 and 7

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.Adeesh Anto, learned counsel for the petitioner, Mr.A.Edwin Prabhakar, learned State Government Pleader, for the first respondent, Mr.G.Venkatesan, learned counsel for the second respondent, Mr.A.Arun Babu, learned counsel for the fifth respondent, Mr.Richardson Wilson, learned counsel for the eighth



WP No.6816 of 2021

respondent.

WEB COPY

2. The learned counsel for the petitioner submits that the subject Plot No.169 is reserved for community purpose. The said plot was allotted to Bharat Sevak Samaj. The Samaj had put up a superstructure and leased out the building to one Nirmala Nursery School, represented by the sixth respondent – K.S.Narayanasamy. Subsequently, eviction notice was issued to Nirmala Nursery School and the sixth respondent. Thereafter, an order of eviction was also passed. Later, it was noticed that the Tamil Nadu Slum Clearance Board had executed a sale deed in favour of the sixth respondent. A plot meant for community purpose cannot be allotted or sold to a private entity. The school was being run for the benefit of the children of the slum dwellers residing nearby. The said building cannot be used for commercial purpose.

3. There is no document even to remotely suggest that Plot No.169 was reserved as a community centre. Bharat Sevak Samaj had filed a suit for eviction against Nirmala Nursery School on the ground that the said plot was originally allotted to the Samaj by the Tamil



WP No.6816 of 2021

Nadu Slum Clearance Board and the property was leased out to Nirmala Nursery School by the Samaj in its capacity as an allottee.

4. In the absence of any record to suggest that the building was used for community centre or for park or playground, the petitioner will not have any locus standi to challenge the sale deed executed in favour of Nirmala Nursery School and/or K.S.Narayanasamy, the sixth respondent herein.

5. In light of the above, no case is made out for interference. The writ petition as such stands disposed of. There shall be no order as to costs. Consequently, WMP Nos.7368, 7370 and 7371 of 2021 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

21.03.2024

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



WP No.6816 of 2021

WEB COPY To

- 1.The Secretary
Home Department
Fort St George, Chennai- 600 009.
- 2.The Chairman
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai, Chepauk, Chennai-5.
- 3.The Superintendent Engineer
CEDC South Tamil Nadu Electricity Board
Anna Main Road, K.K.Nagar, Chennai-78.
- 4.The Assistant Engineer
O & M/ Ashok Nagar West TANGEDCO
KK Nagar Chennai- 600 078.
- 5.The Assistant Commissioner
Corporation of Chennai
10th Zone, Kodambakkam
Chennai- 600 024.



WEB COPY



WP No.6816 of 2021

THE HON'BLE CHIEF JUSTICE

AND

D.BHARATHA CHAKRAVARTHY, J.

(tar)

WP No.6816 of 2021

21.03.2024