



W.P.No.6673 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.6673 of 2020

M.Senthilkumar

.. Petitioner

Vs.

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

2.The Commissioner HR & CE,
Nungambakkam,
Chennai-34.

3.The Estate Office, Zone-5,
Tamil Nadu Slum Clearance Board,
T.P.Chathiram,
Chennai-600 010.

4.Balakrishnan

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first and third respondents to take immediate steps to remove the encroachment



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made in Plot No.41, Survey No.108, T.S.No.10/3, Block No.12 in
Balavinayagar Temple, Arumbakkam, Chennai-600 106.

For the Petitioner : Mr.K.Karthikeyan
for Mr.E.Sampath Kumar

For the Respondents : Mr.S.Karthikeyan
for respondent Nos.1 and 3

: Mr.K.Karthikeyan
Govt. Advocate (HR & CE)
for respondent No.2

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.K.Karthikeyan, learned counsel appearing on behalf of Mr.E.Sampath Kumar, learned counsel for the petitioner; Mr.S.Karthikeyan, learned counsel for respondents 1 and 3; and, Mr.K.Karthikeyan, learned Government Advocate (HR & CE) for respondent No.2.

2. Learned counsel for the petitioner submits that encroachment is made on Plot No.41, Survey No.108, T.S.No.10/3, Block No.12 in Balavinayagar Temple,



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Arumbakkam, Chennai.

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3. Learned counsel for respondents 1 and 3 submits that the land in question is owned by the Slum Clearance Board. Allotment of the said Plot No.41 is not made to anyone. The family members of one Jayaraman have filed O.S.No.4019 of 2017 and the same is pending before the XVI Additional City Civil Court, Chennai. The Slum Clearance Board is party in the said suit.

4. In case there are no interim orders in the said suit, then the Slum Clearance Board can proceed ahead in accordance with law for claiming its property.

5. At this juncture, learned counsel for respondents 1 and 3 submits that, if there are no prohibitory orders in the suit, then respondents 1 and 3 would proceed ahead for removal of encroachment on the subject writ property in accordance with



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law.
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6. In the light of the said statement made by learned counsel for respondents 1 and 3, no further orders are necessary in the present writ petition. The writ petition, as such, is disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

20.03.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

- 1.The Chairman,
Tamil Nadu Slum Clearance Board,
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Chennai-600 005.
- 2.The Commissioner HR & CE,
Nungambakkam,
Chennai-34.
- 3.The Estate Office, Zone-5,
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

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