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W.P.Nos.35407 to 35409 of 2012 and 6751 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.35407 to 35409 of 2012 and 6751 of 2013

M.P.Nos.1 + 1 +1 of 2012 and 1 of 2013

M.Elumalai	...Petitioner in W.P.No.35407 of 2012
Doulath Fathima	...Petitioner in W.P.No.35408 of 2012
N.Subramanian	...Petitioner in W.P.No.35409 of 2012

Dr.Ambedkarnagar Kudiyrupor Nala Sangam,
(Regn.No.396/2009)

Represented by its General Secretary

No.1, Aringnanar Anna Street,

Manali Puthu Nagar,

Chennai – 600 009.

...Petitioner in W.P.No.6751 of 2013

Vs.

1. The Government of Tamil Nadu,
Represented by the Secretary,
Revenue Department,
Fort St.George,
Chennai – 600 009.
2. The Collector,
Kancheepuram,
Kancheepuram District.
3. The Tahsildar,
Shozhinganallur,



W.P.Nos.35407 to 35409 of 2012 and 6751 of 2013

Kancheepuram District.

...Respondents 1 to 3 in
W.P.Nos.35407 to 35409 of 2012

WEB COPY

4. The Secretary,
Tamil Nadu Slum Clearance Board,
Circle – II,
Chennai – 600 119.

...4th Respondent in
W.P.Nos.35407 to 35409 of 2012

5. The Corporation of Chennai,
Represented by its Commissioner,
Rippon Building,
Chennai.

...4th Respondent in
W.P.No.6751 of 2013

Prayer in W.P.No.35407 to 35409 of 2012: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents particularly the Secretary Tamilnadu Slum Clearance Board, Circle II, Semmancheri, Chennai – 600 119, the 4th respondent herein, to provide an alternative accommodation to the petitioner in any of the tenements constructed in the adjacent land at Perumbakkam Village or in any other residential projects on production of the proof of his occupation in the present place at Door No.3 / 505A Bharathi Nagar East Street, Nookampalayam Village, Perumbakkam, Chennai – 100.

Prayer in W.P.No.35408 of 2012: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents particularly the Secretary Tamilnadu Slum Clearance Board, Circle II, Semmancheri, Chennai – 600 119, the 4th respondent herein, to provide an alternative accommodation to the petitioner in any of the



W.P.Nos.35407 to 35409 of 2012 and 6751 of 2013

tenements constructed in the adjacent land at Perumbakkam Village or in any other residential projects on production of the proof of his occupation in the present place at Door No.34, Bharathi Nagar East, in Survey No.536, Nookampalayam Village, Perumbakkam, Chennai – 100.

Prayer in W.P.No.35409 of 2012: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents particularly the Secretary Tamilnadu Slum Clearance Board, Circle II, Semmancheri, Chennai – 600 119, the 4th respondent herein, to provide an alternative accommodation to the petitioner in any of the tenements constructed in the adjacent land at Perumbakkam Village or in any other residential projects on production of the proof of his occupation in the present place at Door No.3 / 240, M.G.R.Street, Bharathi Nagar East, in Survey 536, Nookampalayam Village, Perumpakkam, Chennai – 600 100, Kancheepuram District.

Prayer in W.P.No.6751 of 2013: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents from evicting the members of the petitioner's association from their houses in “Manaliputhu Nagar-Kudisai Paguthi”, Chennai, without following due process of law.

For Petitioners in



W.P.Nos.35407 to 35409 of 2012 and 6751 of 2013

W.P.Nos.35407 to
35409 of 2012

: M/s.K.Balakrishnan

For Respondents in all W.P.s : Mr.Baber Muthu Meeran, SC
for R4

Mr.U.Baranidharan, AGP
for R1 to R3

COMMON ORDER

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. It is the case of the petitioners that the petitioners are in occupation of Poramboke land situated at Perumbakkam, Chennai and constructed houses in the said land along with 500 families for the past 10 years. All of a sudden the Government of Tamil Nadu decided to evict the petitioner from the said land. Seeking to allot alternative sites to the respective petitioners, they filed several representations before the respective fourth respondent. However, the same was not acceded to. Hence, the present writ petitions have been filed seeking the aforesaid relief.

3. Though very many grounds have been raised in these writ petitions,



W.P.Nos.35407 to 35409 of 2012 and 6751 of 2013

the learned counsel for the petitioners submit that it would suffice if this Court issues a direction to the fourth respondent to consider the petitioners representation seeking alternative house site and to pass appropriate orders within the time frame that may be stipulated by this Court.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 submits that during the pendency of these writ petitions, the fourth respondent / Slum Clearance Board was re-named as Tamil Nadu Urban Habitat Development Board. Hence, this Court may direct the respective petitioners to send a copy of the representations before the Tamil Nadu Urban Habitat Development Board and thereafter the Board will pass appropriate orders on merits and in accordance with law within the time frame that may be fixed by this Court.

5. Heard the learned standing counsel appearing for the fourth respondent and perused the materials placed on record.

6. In the light of the submission made by the learned Additional



W.P.Nos.35407 to 35409 of 2012 and 6751 of 2013

Government Pleader appearing for the respondents 1 to 3, this Court directs the petitioner to send a copy of the representations seeking alternative house site along with a copy of this order for ready reference before the Tamil Nadu Urban Habitat Development Board within a period of two (2) weeks from the date of receipt of a copy of this order and upon receipt of the said representations, the Tamil Nadu Urban Habitat Development Board shall pass appropriate orders on merits and in accordance with law and after affording an opportunity of personal hearing to the petitioners as well as the aggrieved persons if any, within a period of twelve (12) weeks thereafter.

7. With the above observation, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

12.09.2024

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No
To:

1. The Government of Tamil Nadu,
Represented by the Secretary,



W.P.Nos.35407 to 35409 of 2012 and 6751 of 2013

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Revenue Department,
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2. The Collector,
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Kancheepuram District.
3. The Tahsildar,
Shozhinganallur,
Kancheepuram District.
4. The Secretary,
Tamil Nadu Slum Clearance Board,
Circle – II,
Chennai – 600 119.
5. The Corporation of Chennai,
Represented by its Commissioner,
Rippon Building,
Chennai.

M.DHANDAPANI, J.



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