



WEB COPY



WA No.1341 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

WA No.1341 of 2022

C.Kasi (deceased)

1.K.Saraswathy
2.K.Appanraj
3.K.Pakiaraj
4.K.Navinkumar
5.K.Prathiba

... Appellants

versus

1.Rajam Radhakrishnan
2.A.Jayanthi

3.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai
Chennai-600 005.

4.Rani
5.Raja

... Respondents



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PRAYER: Writ Appeal filed against the order of the learned Single Judge in WP No.22397 of 2021 dated 09.12.2021.

For the Appellants :Mr.K.Venkateswaran

For the Respondents :Mr.M.Syed Ibrahim
for respondents 1 and 2
Mr.G.Venkatesan
Standing Counsel
for third respondent/
Tamil Nadu Slum Clearance Board

JUDGMENT

(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

This Writ Appeal is filed against the order of the learned Single Judge in WP No.22397 of 2021 dated 09.12.2021.

2. The Writ Appeal has been preferred by the legal heirs of the deceased second respondent in the writ petition, challenging the direction issued by the Writ Court to the third respondent/Tamil Nadu Slum Clearance Board to comply with the order of this Court in Rev.Appl.Nos.201 to 203 of 2019 dated 04.02.2020 and to issue appropriate permission to the second



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respondent herein for enforcing the decree passed by the Rent Control Authorities. The relevant portion of the order is extracted hereunder:

"In view of above submissions, this Court directs the 1st respondent to comply with the order of this Court dated 04.02.2020 and issue appropriate permission to the 2nd petitioner for enforcing the decree passed by the Rent Control Authorities within a period of two weeks from the date of receipt of copy of this order"

3. Learned counsel for the appellants would submit that pursuant to the said order of the Writ Court, the third respondent/Slum Clearance Board has passed an order dated 21.02.2022, wherein the Slum Clearance Board has granted permission for eviction in order to comply with the direction issued by the Writ Court. He further submits that without providing sufficient opportunity to the appellants, the Slum Clearance Board has granted permission for eviction.

4. The appeal has been preferred by the appellants on 23.03.2022 and same was numbered on 06.05.2022. The third respondent/Slum Clearance Board has passed the order of granting permission for eviction to



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the second respondent on 21.04.2022. Therefore, the appeal has been numbered only after the said proceedings has been passed by the Slum Clearance Board. Since, it is only a permission granted by the Slum Clearance Board to the private respondent namely the second respondent for executing the decree passed by the Rent Control Authorities, if the appellants are aggrieved by the said order, the appellants can make all their objections at the time of execution petition being filed by the second respondent before executing court or it if for the appellants to challenge the said proceedings, if is permissible under any other law.

5. With the above liberty, the writ appeal stands disposed of. There shall be no order as to costs. Consequently, CMP No.8560 of 2022 is closed.

[D.K.K., J.] [K.B., J.]
11.06.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn



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