



W.P.No.13809 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.13809 of 2020

and

W.M.P.No. 17165 of 2020

N.P.Balakrishnan

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai - 600035

2. The Executive Engineer and ADO,
K.K.Nagar Division,
Tamil Nadu Housing Board,
Anna Nagar II Avenue,
C - 48, TNHB Complex,
Chennai – 600 040.

3. The Tahsildar,
Maduravoyal Taluk,
Maduravoyal, Chennai – 600095

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Mandamus, forbearing the 2nd



W.P.No.13809 of 2020

respondent, their men, agents and subordinates from treating the petitioner herein as encroacher and consequently evicting him from his possession and occupation of Door No. 1 / 2A, Bharathi Salai, Ramapuram, Chennai – 600 089.

For Petitioner : Mr.M.Deivanandam

For Respondents : Mr.A.M.Ravindranath Jayapal
(for R1 & R2)

Mr.G.Krishna Raja,
Additional Government Pleader,
(for R3)

ORDER

The writ petition has been instituted to forbear the second respondent from treating the petitioner as encroacher and not to evict him from his possession and occupation of Door No. 1 / 2A, Bharathi Salai, Ramapuram, Chennai – 600 089.

2. The writ petition has been filed with an apprehension that the respondents may evict the petitioners without issuing any notice under the relevant provisions of the statutes and rules in force. The learned council for the petitioner contended that the partitioner has not received any notice



W.P.No.13809 of 2020

so far and therefore, the actions proposed to be initiated by the respondents are not in accordance with law. The evictions are to be made only by following the due process of law.

3. The learned counsel appearing on behalf of the respondents 1 and 2 made a submission that the notices were sent to the persons who all are in illegal occupation of the property belonging to the Tamil Nadu Housing Board. However, a copy of the Notice is produced before this Court.

4. May that as it be. The writ petition was instituted in the year 2020. Three years lapsed. Therefore, the respondents 1 and 2 are directed to communicate the copy of the notice already issued, once again to the writ petitioner and the other occupants in that locality, for the purpose of eviction.

5. It is brought to the notice of this Court that the subject properties were acquired for implementing the Tamil Nadu Housing Board Schemes. That being so, the respondents 1 and 2 shall communicate the copy of the Notice and if any objection, then the petitioner is at liberty to submit the same and thereafter, the authorities shall proceed in accordance with law.



W.P.No.13809 of 2020

6. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed

03.01.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

1. The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai - 600035

2. The Executive Engineer and ADO,
K.K.Nagar Division,
Tamil Nadu Housing Board,
Anna Nagar II Avenue,
C - 48, TNHB Complex,
Chennai – 600 040.

3. The Tahsildar,
Maduravoyal Taluk,
Maduravoyal, Chennai – 600095



WEB COPY



W.P.No.13809 of 2020

S.M.SUBRAMANIAM. J.,

(sha)

W.P.No.13809 of 2020

03.01.2024