



WEB COPY



W.P. No.19713 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

CORAM:

**THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN**

W.P. No.19713 of 2022

S.Nagarajan @ M.Nagalingam

.... Petitioner

vs.

1. The Chairman,  
TamilNadu Urban Habitat Development Board,  
No.5, Kamarajar Salai,  
Chennai-600 005.

2. The Managing Director,  
TamilNadu Slum Clearance Board,  
No.5, Kamarajar Salai,  
Chennai-600 005.

.... Respondents

**Prayer :** Writ Petition is filed under Article 226 of Constitution of India to issue a writ of Mandamus directing the respondents to regularize and allot the petitioner's possession and enjoyment of the Plot No.40, Chozhan Nagar, Erukancheri High Road, Vyasarpadi, Chennai-600 039 and issue Sale deed in favour of the petitioner.

For Petitioner : Mrs.D.Latha

For Respondents : Mr.G.Sivakumar  
Standing Counsel



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## **ORDER**

**WEB COPY** This writ petition has been filed for direction directing the respondents to regularize and allot the Plot No.40 in favour of the petitioner.

2. The case of the petitioner is that the petitioner is residing and in absolute possession and enjoyment of the land ad-measuring 48.0 Sq.mtrs in Plot No.39 & 40 situated at No.204-B, Eruckancheri High Road, Vyasarpadi, Chennai-600 039. The petitioner is a retired from Ministry of Defence. In the year 1981, the respondent has taken out the land for development to develop the slum areas in "As is where is condition" with the help of world Bank. They decided to sell the land and they have entered into Lease cum Sale Agreement with the persons who are in possession of the land by proceedings dated 18.12.1982. Since the petitioner is in possession and enjoyment of 48.0 Sq.,mts of the land for the past several years. He was allotted Plot No.39 to an extent of 24.0 Sq.mtrs by the respondent in the year 1981. Accordingly, the petitioner had paid the entire land cost as fixed by the respondents. The petitioner submitted several representations to regularize the possession and enjoyment of additional extent of land measuring 24 Sq.mtrs comprised



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in Plot No.40 which is in possession and enjoyment of the petitioner.

However, the said request is not considered so far.

3. On perusal of the counter affidavit filed by the respondents revealed that the petitioner was allotted plot No.39 and Plot No.40 which was enjoyed by one Mr.Ramadoss S/o.Dhamotharan. The said Mr.Ramadoss has not claimed to allot the Plot No.40 in his favour and no allotment order was issued till date in respect of the Plot No.40. The said Plot No.40 was encroached by the petitioner by put up some construction in the respective Plot. Therefore, the plot No.40 cannot be allotted in favour of the petitioner. Since as per the Board's Regulations only one person is eligible for only one plot.

4. The learned counsel for the petitioner would submit that the petitioner is ready to pay whatever the cost fixed by the respondents in respect of the Plot No.40. Since it is already in occupation and enjoyment of the petitioner by put up construction. The petitioner also perused photographs showing the Plot No.39 and 40 he constructed house and residing there. Admittedly, the said Mr.Ramadoss is not in possession and enjoyment of the Plot No.40 and even till now no



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allotment order passed in his faovur. That apart, the name of Mr.Ramadoss is not found in the voters list. He never claimed to allot the Plot No.40 in his favour.

5. In view of the above, the respondents are directed to allot the Plot No.40 situated at Erukancheri High Road, Vyasarpadi, Chennai-600 039 in favour of the petitioner by fixing proper value in accordance with the Board's Rules within a period of twelve weeks from the date of receipt of copy of this order. It is also made clear that since the petitioner is in occupation and enjoyment of the said plot, the case of the petitioner has considered as special one and it cannot be applied for others.

6. With the above direction, this writ petition is disposed of. No order as to costs.

04.06.2024

Index: Yes/No  
Internet: Yes/No  
Speaking Order/Non-Speaking Order  
gvn



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To

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**G.K. ILANTHIRAIYAN, J.**

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