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W.P.No.21936 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 06.08.2024**

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

**W.P.No.21936 of 2024**

**and**

**W.M.P.Nos.23919 & 23920 of 2024**

V.Gopal

... Petitioner

Vs.

- 1.The State of Tamil Nadu,  
Rep. by the Secretary to Government,  
Tamil Nadu Housing Board and Urban Development Department,  
Secretariat, Chennai – 600 009.
- 2.Tamil Nadu Urban Habitat Development Board,  
(Formerly Slum Clearance Board),  
Rep. by its Managing Director,  
No.5, Kamarajar Salai,  
Chepauk, Chennai – 600 005.
- 3.The Executive Engineer,  
Division – V,  
Tamil Nadu Urban Habitat Development Board,  
Mylapore, Chennai – 600 004.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent relating to the order in Su.Mu.Ka.No.P5/5552/2024 dated 27.06.2024, to quash the same and issue consequential direction respondents to allow the tenement of petitioner in No.33, Shopping Complex, Venkatnarayana Street, Nandanam, Chennai to continue.



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For Petitioner : Mr.T.Dharani  
For Respondents : Mr.L.S.M.Hasan Fizal  
Additional Government Pleader [R1]  
Mr.G.Venkatesan  
Standing Counsel [R2 & R3]

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### **ORDER**

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records of the 2<sup>nd</sup> respondent relating to the order in Su.Mu.Ka.No.P5/5552/2024 dated 27.06.2024, to quash the same and issue consequential direction respondents to allow the tenement of petitioner in No.33, Shopping Complex, Venkatnarayana Street, Nandanam, Chennai to continue.

2. Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader, accepts notice on behalf of the 1<sup>st</sup> respondent and Mr.G.Venkatesan, learned Standing Counsel, accepts notice on behalf of the respondents 2 and 3. In view of the consent expressed by the learned counsel appearing for the parties, this petition is taken up for final disposal at the stage of admission stage itself.



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3. The case of the petitioner is that, the 2<sup>nd</sup> respondent allotted the property comprised in No.33, Shopping Complex, Venkatnarayana Street, Nandanam, Chennai to the petitioner to an extent of 300 sq.ft. in lease on 25.10.1989 on certain conditions including the payments of Rs.300/- as a monthly rent and the petitioner running a garage shop in the name and style of "Umamaheswari Auto Garage" in the said premises. The petitioner was paying the rent from the date of allotment and subsequent increase in rent was also paid periodically without any default till date. In order to avail the benefits of the Central Government Automated Workshop, the petitioner made an application dated 10.01.2024 to the 2<sup>nd</sup> respondent for additional allocation of 200 sq.ft. of vacant space near the petitioner workshop and the same was allotted to the petitioner by the 2<sup>nd</sup> respondent vide proceedings Su.Mu.No.1035/24/P4 dated 14.02.2024 after the payment of necessary rent of Rs.10,000/- vide receipt No.15470 dated 06.02.2024. Whiles, pursuant to the proceedings of the General Manager, Central Government Automater Workshop in Su.No.27/6395/2023 dated 03.01.2024, the petitioner was directed to submit an explanation for the excess possession of 200 sq.ft. apart from the 300 sq.ft. already rented by the Slum Clearance Board and the petitioner submitted his explanation stating



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the above circumstances the excess 200 sq.ft. allotted to the petitioner.

However, the 2<sup>nd</sup> respondent vide proceedings Su.Mu.Ka.No.P5/5552/2024 dated 27.06.2024 in pursuant to the proceedings of the General Manager, Central Government Automated Workshop dated 26.04.2024 had cancelled the allotment made to the petitioner in the year 1989 stating that the petitioner had admitted that he had forged the allotment of 200 sq.ft. excess allotment to avail the benefits of the Central Government Automated Workshop. Challenging the same, the petitioner has filed the above writ petition before this court.

4. Learned counsel for the petitioner submits that, the 2<sup>nd</sup> respondent has failed to consider that the petitioner had been in possession from the year 1989 and had been eke out his livelihood from the income out of the garage. Therefore, the sudden eviction of the petitioner would cause grave prejudice and irreparable loss to him.

5. Learned Additional Government Pleader appearing for the 1<sup>st</sup> respondent submitted that, the petitioner himself admitted that he had forged the excess allotment of 200 sq.ft. in addition to the allotment of 300 sq.ft. already allotted to him in the year 1989, in order to avail the



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benefits of the Central Government Automated Workshop, thereby the 2<sup>nd</sup> respondent had cancelled the initial allotment made to the petitioner in the year 1989, which is *per se* sustainable. Accordingly, he prays for dismissal of the writ petition.

6. Heard the learned counsel appearing for the parties and perused the materials available on record.

7. In the year 1989, the petitioner was allotted to the above said property to an extent of 300 sq.ft., in which he was running a garage shop. However, in order to avail the benefits of the Central Government Automated Workshop, the petitioner had forged the allotment of excess 200 sq.ft, which is wholly unsustainable, for which, the respondents should have removed the additional allotment encroached by the petitioner by way of the forged allotment document. Without doing so, cancelling the allotment allotted in favour of the petitioner in the year 1989 is not sustainable.

8. Considering the facts and circumstances of the case, this court, without interfering with the impugned order, directs the petitioner to



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handover the additional allotment of 200 sq.ft. and pay the dues of 200 sq.ft. to the 2<sup>nd</sup> respondent within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that, if the petitioner commits any default in payment of rent or do any malpractice with regard to 300 sq.ft. originally allotted to the petitioner in the year 1989, it is open to the respondents to initiate appropriate action as against the petitioner in accordance with law.

9. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

**06.08.2024**

Index : Yes / No  
Speaking order / Non-speaking order  
Neutral Citation Case : Yes / No  
sp



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To  
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- 1.The Secretary to Government,  
Tamil Nadu Housing Board and Urban Development Department,  
Secretariat, Chennai – 600 009.
- 2.The Managing Director,  
Tamil Nadu Urban Habitat Development Board,  
(Formerly Slum Clearance Board),  
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**M.DHANDAPANI, J.**

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