



WP.No.32915 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.No.32915 of 2024

and

W.M.P.No. 35734 of 2024 in W.P. No.32915 of 2024

- 1.F.Sebastian
- 2.B.Sumathi
- 3.E.Suresh
- 4.K.Balasundaran
- 5.Noorjahan
- 6.A.Bharathi
- 7.R.Muniammal
- 8.V.Mageswari
- 9.R.Neela
- 10.J.Ganabakiyam
- 11.J.Padmavathi
- 12.S.Sekar
- 13.Mohanapriya
- 14.J.Srinivasan
- 15.Salomi alias Sonia
- 16.Sandiya
- 17.J.Umameswari
- 18.Selvi
- 19.Sathiyavani
- 20.Sengeni
- 21.Annammal
- 22.Kalaiyarasu
- 23.Lakshmi
- 24.Sarala
- 25.Mary Annammal
- 26.Dhanalakshmi



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27.Umarani
28.Kalaiselvi
29.Sasi Arasi
30.V.Rajendran

... Petitioners

VS

1.The State of Tamil Nadu
Rep. By its Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai – 600 009.

2.The Chairman
Tamil Nadu Urban Habitat Development Board (TNUHDB)
No.5, Kamarajar Salai,
Chepauk, Chennai – 600 005.

3.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Poonamallee High Road,
Chennai – 600 003.

4.The Tamil Nadu Urban Habitat Development Board,
Executive Engineer Division II,
Vysarpadi, Chennai – 600 009.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling upon the
records of the 4th respondent dated 04.09.2024 and to quash the
same and consequently direct the respondents to consider the
representation of the petitioners dated 09.09.2024 until a decision is
reached by the Tamil Nadu Urban Habitat Development Department
and direct the respondents not to evict the petitioners from their



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house and no coercive actions should be taken by the respondents until the representation is duly considered by the respondents.

For Petitioners : Ms.S.Kalpana
for Ms.Louisal Ramesh

For Respondents : Mr.T.K.Saravanan
Government Advocate for R1
Ms.C.Abirami Dharanya
for Mr.G.Sivakumar
for R2 & R4
Mr.S.Gopinathan
Standing Counsel for R3

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned 'Writ Petition' (hereinafter 'WP' for the sake of brevity) has been filed by 30 individuals with a certiorarified mandamus prayer assailing a 'notice dated 04.09.2024 issued by R4' (hereinafter 'impugned notice' for the sake of convenience and clarity) and the mandamus limb of prayer pertains to a representation dated 09.09.2024.

2. Ms.S.Kalpana, learned counsel representing the counsel on



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record for writ petitioners submits that the writ petitioners have been living for a substantial length of time and therefore it is imperative that they are given alternative accommodation. To be noted, the impugned notice pertains to removal of alleged encroachers for rebuilding tenements which are in a very dilapidated condition, hazardous to human habitation, it is also mentioned in the impugned notice that solatium will be paid and there will also be a temporary allotment order.

3. Issue notice to respondents.

4. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1, Ms.C.Abirami Dharanya for Mr.G.Sivakumar, learned counsel accepts notice for R2 and R4 and Mr.S.Gopinathan, learned standing counsel accepts notice for R3.

5. All the State counsel submitted that as regards temporary allotment, the same has been duly made and that the writ petitioners are those who may not fall in the category of encroachers entitled to same.



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6. Taking into account the fact that the superstructure is in a very dilapidated condition and hazardous to human inhabitation, we are not inclined to interfere as regards the certiorari limb of the prayer. However, as regards the mandamus limb of the prayer, we deem it appropriate to direct R2 to consider the representation dated 09.09.2024 (for alternate accommodation aspect alone) and pass suitable orders on its own merits and in accordance with law. In doing so, it is open to R2 to co-ordinate with R3 with regard to allotments already made.

7. For the sake of convenience and clarity, we deem it appropriate to extract and reproduce the entire 09.09.2024 representation as placed before us.



WEB COPY



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Date: 09/09/24

From

1. F. Sebastian
S/O Francis
64, BRN Garden, Broadway,
Chennai - 600 108.
2. B. Samathi
W/O Baskaran
54, BRN Garden, Broadway,
Chennai - 600 108.
3. E. Suresh
S/o Ettiappon
103, BRN Garden, Broadway,
Chennai - 600 108.
4. K. Belasundaran
S/O Kodiyar
53, BRN Garden, Broadway,
Chennai - 600 108.
5. Noorjahan
W/O Mohamed rabi
123, BRN Garden, Broadway,
Chennai - 600 108.
6. A. Bharathi
S/O Appedurai,
90, BRN Garden, Broadway,
Chennai - 600 108.
7. R. Mupiammal
W/O Ganesan



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25, BRN Garden, Broadway,
Chennai – 600 108.

E. V. Mageswari
D/O Krishnaveni
97(1), BRN Garden, Broadway,
Chennai – 600 108.

9. R. Neela
W/O Ravi
114.1 Block, BRM Garden, Broadway,
Chennai- 600 108.

10. J. Ganabekiyam
W/O Joseph
59 ward no 25 BRN Garden
Broadway,
Chennai – 600 001.

11. J. Padmasavithi
W/o Jayakumar
136(1), BRN Garden, Broadway,
Chennai – 600 108.

12. K. Selvi
D/O padavattan
92(1), BRN Garden, Broadway,
Chennai – 600 108.

13. S.Sekar
S/O Chellammal
111, BRN Garden, Broadway,
Chennai – 600 108.

14. Mohanapriya



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DORavichandran
901 block, BRN Garden, Broadway,
Chennai – 600 108.

15. J.Srinivasan
S/O Jayaraj
130, BRN Garden, Broadway,
Chennai – 600 108.

16. Salomi alais Sonin
C/O Dasluakoor
73 :st floor, BRN Garden, Broadway,
Chennai – 600 108.

17. Sandhya
C/O Sugumaran
112, BRN Garden, Broadway,
Chennai – 600 108.

18. J. Umamaheswari
C/O Janakiraman
105 1 block , BRN Garden, Broadway,
Chennai – 600 108.

19. Selvi
W/o Kumar
92, BRN Garden, Broadway,
Chennai – 600 108.

20. Suthiyavuni
W/o Sundaram
86, BRN Garden, Broadway,
Chennai – 600 108.

21. Sengeni



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88, BRN Garden, Broadway,
Chennai - 600 108.

22. Annammal
128, B Block, BRN Garden, Broadway,
Chennai - 600 108.

23. Kalaiyarasu
80, BRN Garden, Broadway,
Chennai - 600 108.

24. Lakshmi
112, BRN Garden, Broadway,
Chennai - 600 108.

25. Sarala
131, BRN Garden, Broadway,
Chennai - 600 108.

26. Mary Annammal
102, BRN Garden, Broadway,
Chennai - 600 108.

27. Dhanalakshmi
128, BRN Garden, Broadway,
Chennai - 600 108.

28. Umarani
W/o
129, BRN Garden, Broadway,
Chennai - 600 108.

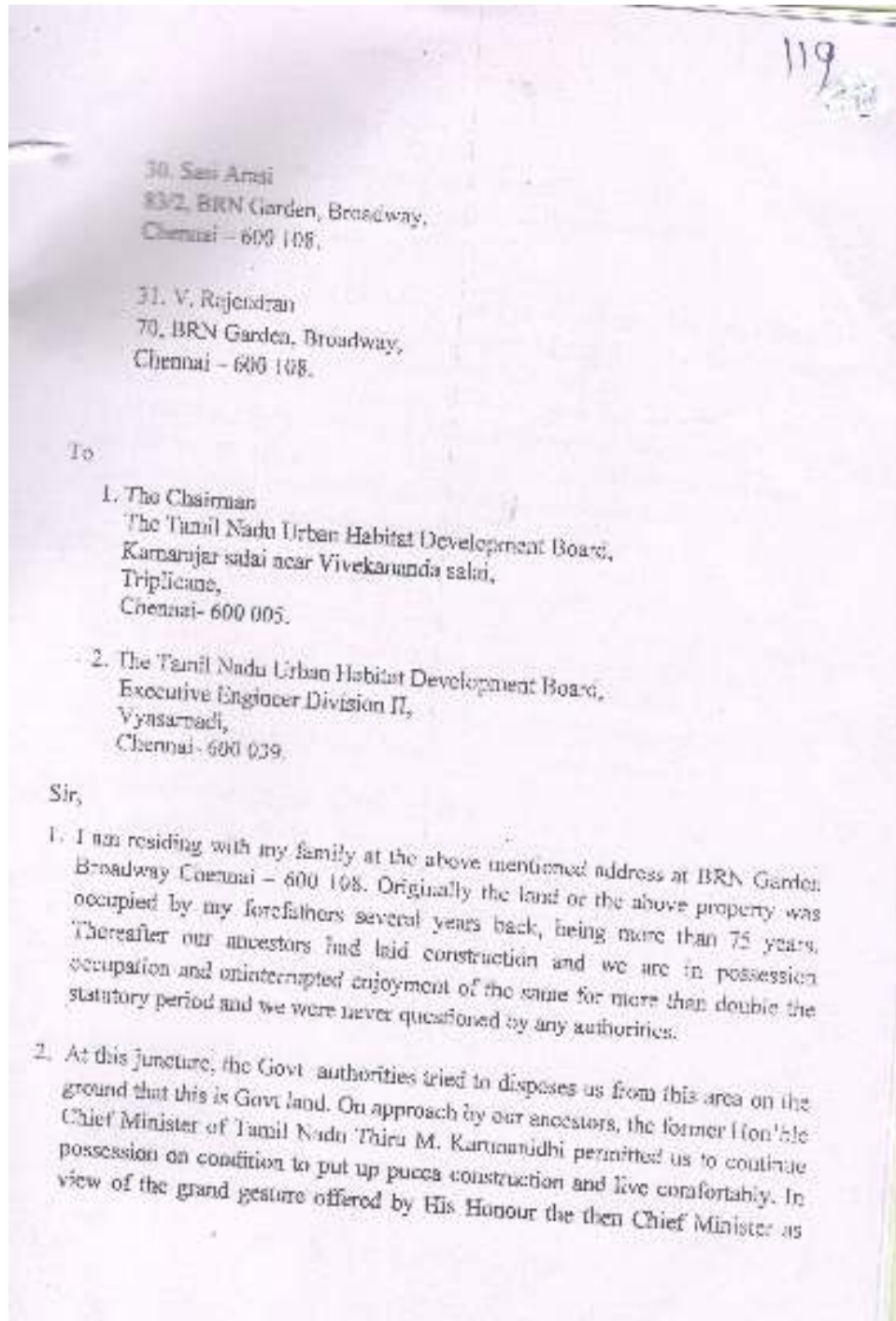
29. Kalaiselvi
72, BRN Garden, Broadway,
Chennai - 600 108.



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120
above, our ancestors had constructed own buildings and through them till now we are in possession and enjoyment over the respective portions of land, described below separately.

3. Now the 1st of you and also the 2nd of you are directing me and such other occupants to vacate and surrender possession respectively. Our explanation that we are in possession of the property for more than two statutory periods and thus in any event, we are in possession for more then 50 years . We have sufficient proof for the same. But since you directed us to vacate without even considering our representation, we filed W.P. No.11470/2024 forbearing the Govt from in any manner evict us without considering our claim for allotment of tenaments of alternate accommodation.
4. The said Writ Petition was disposed by an order dated 23.04.2024 permitting the persons whose application are pending and whose applications are rejected, can approach the Executive Engineer, Zonal Office V, Greater Chennai Corporation for considering their application by way of giving representation along with necessary documents namely the residential proof and other proofs, proving that they are residing in the said place for more than 30 Years.

In the above circumstances as per the W.P. No. 11470/ 2024 the Executive Engineer, Zonal office conducted an enquiry on 05.08.2024 and directed us to wait for some time for his report and hence we are waiting for his report meanwhile the officer of Tamil Nadu Urban Habitat Development Board issued a notice to vacate our premises. Hence I kindly request your goodself kindly consider our representation and do the needful for our livelihood.

SCHEDULE

Individual house Residence, BRN Garden, Broadway, Chennai - 600 108.

Thanking you

Yours faithfully

1. H.F. H. H. H.
2. B. A. H.
3. B. A. H.
4. L. J. H. H. H.
5. H. H. H. H. H.



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85' 120

1. Linga
2. R. Senthil Kumar
3. Mahalingam
4. R. Senthil
5. H. S. Senthil Kumar
6. S. Senthil Kumar
7. K. Senthil Kumar
8. S. Senthil Kumar
9. S. Senthil Kumar
10. S. Senthil Kumar
11. S. Senthil Kumar
12. S. Senthil Kumar
13. S. Senthil Kumar
14. S. Senthil Kumar
15. S. Senthil Kumar
16. S. Senthil Kumar
17. S. Senthil Kumar
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29. S. Senthil Kumar
30. S. Senthil Kumar
31. S. Senthil Kumar

09 SEP 2024



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8. The aforementioned representation shall be disposed of by R2 in co-ordination with R3 as expeditiously as the business of R2 and R3 would permit but in any event within six weeks from today i.e., by 17.12.2024. As there are 30 writ petitioners, the disposal of the representation (proceedings disposing of the representation) shall be communicated to the learned counsel for writ petitioners.

9. To be noted, considering the narrow compass on which captioned matter turns, main WP was taken up with the consent of both sides in the Admission Board.

10. Captioned main WP is disposed of in the aforesaid manner. Consequently, captioned Writ Miscellaneous Petition (WMP) thereat is also disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (K.R.S.,J.)
05.11.2024

Index : Yes / No
Neutral Citation : Yes / No
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**M.SUNDAR, J.,
and
K.RAJASEKAR, J.,**

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