



WEB COPY



W.P.No.29523 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.29523 of 2024

and

W.M.P.Nos.32180 and 32186 of 2024

S.V.Balakrishnan

...Petitioner

Vs.

1. The Tamil Nadu Urban Habitat Development Board,
Represented by its Chairman,
No.5, Kamarajar Salai,
Chennai.

2. Estate Officer,
The Tamil Nadu Urban Habitat Development Board,
Division – I, H.L.L.Nagar,
Tondiarpet, Chennai – 600 081.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent pertaining to the impugned order dated 20.09.2024 bearing Na.Ka.No.274/B/2019/A.AaII and quash the same and consequently direct the 1st respondent to consider the petitioner's representation dated 29.09.2023 and allot the land in Door No.86, 1st street, Bharath Nagar, Ernavoor, Chennai admeasuring 84 sq.metres in favour of the petitioner.



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W.P.No.29523 of 2024

For Petitioner : M/s.G.Adithyaraj
For Respondents : Mrs.K.Indhumathi

ORDER

This writ petition has been filed seeking to quash the proceedings of the second respondent dated 20.09.2024 bearing Na.Ka.No.274/B/2019/A.AaII and to consequently direct the first respondent to consider the petitioner's representation dated 29.09.2023 seeking to allot the land in Door No.86, 1st street, Bharath Nagar, Ernavoor, Chennai admeasuring 84 sq.metres in favour of the petitioner.

2. It is the case of the petitioner that he is dwelling in the subject land for more than 40 years, which was taken control by the Tamil Nadu Slum Clearance Board for the purpose of allotting the land to slum dwellers. The implementation of the said Scheme was approved and came into force on 28.02.1989. Further the entire Bharath Nagar admeasuring 3.43 hectares was under the ownership of PWD / Tamil Nadu for the development of slum area. The petitioner has been residing in an extent of 110 sq.mtr of land which is a part and parcel of 3.43 hectares of Bharath Nagar, Ernavoor. It is



W.P.No.29523 of 2024

stated that the petitioner property has been wrongly classified and marked as “Noon Meal Centre” along with the land which was originally allotted for the noon meal centre. However, to the shock and surmise of the petitioner, the second respondent has issued the impugned eviction order dated 20.09.2024 alleging that the petitioner has partially encroached and occupied the subject land which was originally allotted to the Noon Meal Centre by rejecting the representation of the petitioner seeking to rectify the error for wrongly classifying his land as Noon Meal Centre. Challenging the same, the present writ petition has been filed.

3. Though very many grounds have been raised in the present writ petition, the learned counsel for the petitioner restricted his prayer and fairly submitted that he is ready and willing to vacate the above said premises within the time frame stipulated by this Court. He further submits that this Court may permit the petitioner to make a fresh representation before the respondents seeking assignment of another land in his locality and to consequently direct the respondents to consider the said representation and pass appropriate orders within the time frame that may be



W.P.No.29523 of 2024

stipulated by this Court.

WEB COPY

4. Heard the learned counsel appearing for the respondents and perused the materials placed on record.

5. Considering the fair submission made by the learned counsel for the petitioner, this Court directs the petitioner to evict the subject property within a period of four (4) weeks from the date of receipt of a copy of this order. Further, the petitioner is directed to make a fresh application before the respondents for assignment of land in the near vicinity of Ernavoor, Chennai and upon receipt of the said representation, the respondents are directed to pass appropriate orders on merits and in accordance with law within a period of eight (8) weeks thereafter.

6. With the above directions and observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

03.10.2024

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W.P.No.29523 of 2024

Index : Yes/No

NCC : Yes/No

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To:

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Represented by its Chairman,
No.5, Kamarajar Salai,
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2. Estate Officer,
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WEB COPY



W.P.No.29523 of 2024

M.DHANDAPANI, J.

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W.P.No.29523 of 2024

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