



WEB COPY



W.P.No.31457 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P. No.31457 of 2019

M.Bala

... Petitioner

Vs.

1.The Revenue Deputy Commissioner,
Corporation of Chennai,
Dr.Muthulakshmi Road, (LB Road),
Adyar, Chennai – 600 020.

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai – 3.

3.The Chairman/Managing Director,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai, Chennai.

4.Selvakumar

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Certiorarified Mandamus, calling for the records and quashing the impugned order dated 01.10.2019 *vide* Na.Ka.No.G7/8166/2016 passed by the 3rd respondent herein and directing the respondents to remove



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the encroachment made by the 4th respondent in between Plot No.58 and Plot No.59, 15th Cross Street, C.S.Colony, Koondu Veedu, Indira Nagar, Chennai – 600 020.

For Petitioner	: Mr.S.Jaganathan
For R1 and R2	: No appearance
For R3	: Mr.K.Tippu Sulthan
For R4	: Mr.A.Senthil Manohar

ORDER

(Order of the Court made by S.M.SUBRAMANIAM,J.)

The order of rejection dated 01.10.2019 issued by the Managing Director, Tamil Slum Clearance Board is under challenge in the present writ proceedings.

2. The claim of the writ petitioner is that in between the Plot No.58 and Plot No.59, there is a lane, which is to be utilized as public pathway. Since the lane is under encroachment, the petitioner filed a complaint and the said complaint was rejected by the respondents. Therefore, the present writ petition came to be instituted.

3. Learned Counsel for the petitioner would submit that even as per the layout, it is a lane. Therefore, the respondents are bound to remove the



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encroachments and maintain the said portion in between the Plot No.58 and Plot No.59 as lane for public usage.

4. Learned Standing Counsel for the Tamil Nadu Slum Clearance Board submitted a copy of the layout which would indicate that the subject portion is stated as “Hut”. Therefore, the Slum Clearance Board at the time of getting approval of layout had not taken possession of the said portion of the land and the 4th respondent was in occupation. Similarly, a particular portion between the Plot No.10 and Plot No.11 is also had not taken possession by the Tamil Nadu Slum Clearance Board. These area was under the occupation of some other person and now vest with the Tamil Nadu Slum Clearance Board. Even as per the layout, the lane has not been demarked and it is stated as “Hut”.

5. Thus, the order of rejection dated 01.10.2019 passed by the Tamil Nadu Slum Clearance Board is in consonance with the approved layout and there is no infirmity. That apart, it is brought to our notice that Plot No.58 had already been registered in the name of the petitioner in the year 2002 itself. Therefore, the claim of the petitioner is beyond the scope for Judicial



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Review. Consequently, the Writ Petition stands dismissed. No costs.

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[S.M.S,J.] [K.R.S,J.]
27.02.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

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S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.



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