



WEB COPY

W.P.No.30973 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.30973 of 2023
and W.M.P.Nos. 35066, 30598 & 30602 of 2023

- 1.Regina Selvam
- 2.S.Sampath
- 3.C.James
- 4.Mrs.B.Sargunavathy
- 5.Mrs.Kurshida Begum
- 6.K.Manimaran
- 7.S.Gopinath

.. Petitioners

vs

- 1.The Chairman-cum-Managing Director,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai, Chennai - 05.
- 2.The Estate Officer III
Tamil Nadu Urban Habitat Development Board,
T.P.Chatiram, Chennai - 10.
- 3.M/s.Sri Kusuma Haranath Thunai
Ex-servicemen Association
Rep. by its President,
No.26,2/1016, Kennedy Street,
Jambulingam Main Road,
G.K.M.Colony, Chennai - 600 082

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the respondents, particularly that of the 2nd respondent in Na.Ka.No.1657/A/AS3/2008 dt. 06.10.2023 and quash the same as illegal and unlawful without jurisdiction and consequently forbear the respondent 1 and 2 from in any manner interfere with nor disturb the petitioners possession title and enjoyment over their respective properties and usage of 20 feet width road running



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from Sathiyavanimuthu Road Extension (25th Street), leading up to Door No.38, 25th Street, CKM Colony, abutting the Pond at GKM Colony, Chennai - 82 falling within the Chennai Corporation Limits in present Division No.65.

For Petitioners : Mr.T.S.Rajamohan
For Respondents : Ms.G.Thilagavathy, Senior Counsel
for Mr.B.Balaji
for Mr.S.Karthikeyan
for R1, R2
No appearance for R3
ORDER

W.M.P.No.30597 of 2023 is ordered on payment of separate court fee, if not already paid.

2. Read this order in conjunction with and in continuation of order dated 23.01.2024 that reads as under:-

"Learned counsel for the petitioner states that petitioners will file appeals challenging the impugned order in terms of Rule 9 of the Tamil Nadu Slum Clearance (Improvement and Clearance) Rules, 1971, along with stay application, for which purpose, they are granted time of one week.

2. List on 31.01.2024 at the end of admission list. Status quo granted on 26.10.2023, which was extended on 15.11.2023 & 15.12.2023, will stand extended till then."

3. Today, Mr.T.S.Rajamohan, appearing for the petitioners confirms that appeals have been filed on 29.01.2024. However, those appeals have been filed before the Chairman but ought to have been filed before the Secretary to the Government (Housing & Urban Development). The appeals shall stand transferred to the file of the Secretary to the Government (Housing & Urban



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Development) for due consideration.

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4. *Inter alia* the petitioner has also filed applications seeking interim relief under Section 9(2) and 9(3) of the Tamil Nadu Slum Clearance (Improvement and Clearance) Rules, 1971. Those applications shall be disposed after hearing the petitioner within a period of four weeks from today.

5. For this purpose, the petitioners are permitted to appear before the Secretary to the Government (Housing & Urban Development) on Monday i.e., 05.02.2024 at 10.30 a.m., without expecting any further notice in this regard. The contents of this order shall be conveyed to the Secretary to the Government (Housing & Urban Development), by learned panel counsel, who appears for the Board, since the Secretary is not arrayed as party in this writ petition.

6. Order of status quo granted on 26.10.2023 and extended periodically, will stand extended for a period of four weeks from today or till the disposal of the stay applications, whichever is earlier.

7. This writ petition is closed in terms of this order. No costs. Connected miscellaneous petitions are closed.

31.01.2024

Index:Yes/No



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Neutral Citation:Yes
ssm

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DR. ANITA SUMANTH,J.

ssm

To

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