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W.P.No.10804 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

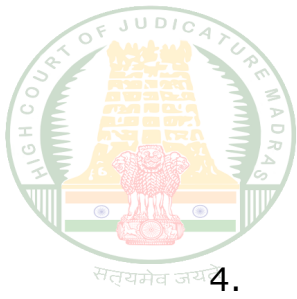
W.P.No.10804 of 2025 and W.M.P.No.12168 of 2025

L. Subashini

Petitioner

vs.

1. The Principal Secretary to Government/
The Chairman (TNUHDB)
Tamil Nadu Urban Habitat Development Board
Secretariat
Fort St. George
Chennai 600 009
2. The Managing Director
Tamil Nadu Urban Habitat Development Board
No.5, Kamarajar Salai
Chepauk
Chennai 600 005
3. The Executive Engineer
Tamil Nadu Urban Habitat Development Board
(Nehru Nagar Phase – I, Velachery)
Zone VII
No.2/124, Sir Theagarayar Salai
Teynampet
Chennai 600 018



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4.

The Estate Officer
Tamil Nadu Urban Habitat Development Board
(Nehru Nagar Phase – I, Velachery)
Zone VII
No.2/124, Sir Theagarayar Salai
Teynampet
Chennai 600 018

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to consider the writ petitioner's representation dated 24.02.2025 to stop the removal of petitioner's possession of dwelling in Plot No.179, Tamil Nadu Urban Habitat Development Board, Nehru Nagar Phase – I, Velachery, Zone VII of the impugned order by the third respondent *vide* Na.Ka.No.963/A/AA.7/2023 dated 21.02.2025.

For petitioner	Mr. S.C. Sezhiyan
For R1	Mr. V. Ravi
	Special Government Pleader
For RR 2 to 4	Ms. K. Indumathy Venkatesan

ORDER

[made by K. GOVINDARAJAN THILAKAVADI, J.]

At the outset, it is worth clarifying that though the petitioner, in the former portion of the prayer, *stricto sensu*, seeks only a writ of mandamus directing the respondents to consider and pass orders on



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her representation dated 24.02.2025, from a bare reading of the latter part of the prayer, it is clear that the petitioner is aggrieved by a notice dated 21.02.2025 issued by the respondent Board. Hence, instead of hinging on technicality, this Court proceeds on the basis that the petitioner seeks to quash the said notice dated 21.02.2025.

2. According to the petitioner, she has been in uninterrupted possession of the property in Plot No.179, Tamil Nadu Urban Habitat Development Board, Nehru Nagar Phase-I, Velachery, Zone VII, Chennai (for brevity "said property") for a long and continuous period; while so, the respondent Board has issued the notice dated 21.02.2025, whereby and whereunder, the petitioner has been directed to vacate the said property allegedly encroached upon by her within four days from the date of the said notice.

3. The main bone of contention of the learned counsel for the petitioner is that the impugned notice has been issued without following the procedure contemplated under law, thereby violating the principles of natural justice.



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4. Issue notice to the respondents.

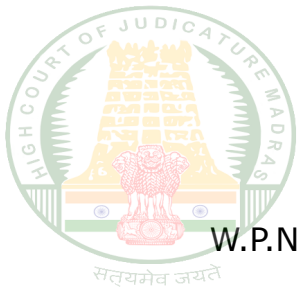
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5. Mr. V. Ravi, learned Special Government Pleader, accepts notice for R1 and Ms. K. Indumathy Venkatesan, learned Standing Counsel, accepts notice for RR 2 to 4.

6. Though the learned Standing Counsel for RR 2 to 4 submitted that the impugned notice came to be passed only in pursuance of the orders dated 04.01.2024 and 05.03.2024 passed by this Court in W.P.Nos. 22688 of 2023 and 5858 of 2024 respectively, she fairly conceded that the same is not in accordance with law and hence, the same will stand withdrawn and the authority concerned will issue a notice afresh following the procedure contemplated under the appropriate statute.

7. On a plain reading of the order dated 04.01.2024 passed in W.P.No.22688 of 2023, it is manifest that the first respondent was directed by the said order to consider and dispose of the petitioner's representation dated 30.01.2023 after making reliable inspection and after hearing the parties. In the order dated 05.03.2024 passed in

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W.P.No.5858 of 2024, the authorities have been directed to act as directed *vide* order dated 04.01.2024 in W.P.No.22688 of 2023.

However, from a perusal of the impugned notice, it is limpid that the petitioner has not even been heard, much less the authorities making an inspection, as directed by this Court earlier.

8. In view of the above, more particularly the fair submission made by the learned Standing Counsel for RR 2 to 4, the following order is made:

- i. the impugned notice stands withdrawn, as undertaken by the learned Standing Counsel;
- ii. a fresh show cause notice shall be issued to the petitioner as directed by this Court in the orders dated 04.01.2024 and 05.03.2024 passed by this Court in W.P.Nos. 22688 of 2023 and 5858 of 2024 respectively;
- iii. if any representation is made by the petitioner within a period of one week from the date of receipt of the show cause notice, the same shall be considered by the respondents before taking a call in the matter;
- iv. the order to be passed by the authority concerned shall be served on the petitioner within a period of five working days from the date of the order; and
- v. any further action will depend upon orders to be passed.



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9. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected W.M.P. stands closed.

(M.S., J.) (K.G.T., J.)
01.04.2025

cad
Index : Yes/No
NC : Yes/No



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M.SUNDAR, J.

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