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W.P.No.8219 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and

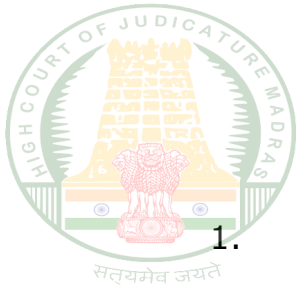
THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.8219 of 2025 and W.M.P. No.9213 of 2025

1. K. Ravi
2. A. Gopalakrishnan
3. G. Santhiya
4. M. Mohanadevi
5. T. Renukadevi
6. D. Elumalai
7. C. Kavitha
8. D. Priya
9. K. Manjula
10. D. Kumaresan
11. A. Jeyalakshmi
12. S. Sharmila Beevi

Petitioners

vs.



W.P.No.8219 of 2025

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1. The Secretary to Government of Tamil Nadu
Housing & Urban Development Department
Fort St. George, Chennai 600 009
2. The Managing Director
Tamil Nadu Urban Habitat Development Board
formerly known as
Tamil Nadu Slum Clearance Board
Kamarajar Salai, Chennai 600 002
3. The Executive Engineer
Division – 1
Tamil Nadu Urban Habitat Development Board
T.P. Chathiram
Chennai 600 010
4. The Estate Officer
Tamil Nadu Urban Habitat Development Board
Ibrahim Salai
Chennai 600 001

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the order in No.4935295/UHD2(1)/2023 dated 12.12.2024 issued by the first respondent and to quash the same and consequently, direct the respondents to regularise plot nos.192 to 194, 196 to 199, 202,203,207,209 and 213 situated at Manali New MGR Nagar, Manali, Chennai 600 068 in favour of the petitioners.

For petitioners	Mr. V. Anand
For R1	Mr. T.K.Saravanan Addl. Government Pleader
For RR 2 to 4	Ms. K. Indumathy Venkatesh Standing Counsel



W.P.No.8219 of 2025

ORDER

[made by M.SUNDAR, J.]

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Though the captioned 'writ petition' (hereinafter 'WP' for the sake of brevity) is culminating in a withdrawal, albeit with preservation of rights and contentions of writ petitioners, for the sake of convenience and clarity in further proceedings, if any, and/or similar matters which may come up, we deem it appropriate to record certain facts before acceding to the request of withdrawal.

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the listing on 12.03.2025 which reads as follows:

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P.No.8219 of 2025

K. Ravi and 11 others

Petitioners

vs.

1. The Secretary to Government of Tamil Nadu
Housing & Urban Development Department
Fort St. George
Chennai 600 009



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W.P.No.8219 of 2025

2. The Managing Director
Tamil Nadu Urban Habitat Development Board
formerly known as
Tamil Nadu Slum Clearance Board
Kamarajar Salai
Chennai 600 002
3. The Executive Engineer
Division – I
Tamil Nadu Urban Habitat Development Board
T.P. Chathiram
Chennai 600 010
4. The Estate Officer
Tamil Nadu Urban Habitat Development Board
Ibrahim Salai
Chennai 600 001
5. The Additional Chief Secretary
Housing & Urban Development Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009

Respondents

(R5 *suo motu* impleaded by Court today *vide* this order)

For petitioners

Mr. V. Anand

For RR 1 & 5

Mr. V. Ravi

Spl. Govt. Pleader

For RR 2 – 4

Ms. K. Indumathy Venkatesh

Standing Counsel

represented by Mr. T.K. Saravanan

Additional Government Pleader

ORDER

[made by M. SUNDAR, J.]

Captioned main 'writ petition' (hereinafter 'WP' for the sake of brevity) has been filed with a prayer for issue of a writ of certiorarified mandamus.

2. In and *vide* certiorari limb of the prayer, an 'order dated 12.12.2024 bearing reference Letter No.4935295/UHD2(1)/2023 made by



WEB COPY



W.P.No.8219 of 2025

Additional Chief Secretary, Housing and Urban Development Department, Government of Tamil Nadu' (hereinafter 'impugned order' for the sake of convenience and clarity) has been assailed. To be noted, the impugned order has been made by Additional Chief Secretary, Housing and Urban Development Department, Government of Tamil Nadu but unfortunately, Additional Chief Secretary, Housing and Urban Development Department, Government of Tamil Nadu, has not been made a party. Considering the peculiar facts and circumstances of the case, we deem it appropriate to *suo motu* implead Additional Chief Secretary, Housing and Urban Development Department, Government of Tamil Nadu, Fort St. George, Chennai 600 009, as R5. We do so.

3. In and *vide* the mandamus limb of the writ prayer, a prayer has been made to mandamus the respondents to regularise plot nos.192 to 194, 196 to 199, 202, 203, 207, 209 and 213 situate in Manali New MGR Nagar, Manali, Chennai 600 068. This regularisation prayer as regards twelve plots is *qua* the twelve writ petitioners.

4. Mr. V. Anand, learned counsel on record for writ petitioners, submits that the writ petitioners were visited with 'show cause notices dated 06.01.2022 bearing reference ந.கோ.எண் 446/பி/2019/எ.அ-1' (hereinafter 'said SCNs' for the sake of brevity) issued by Estate Office-I of 'Tamil Nadu Urban Habitat Development Board' (hereinafter 'Urban Habitat Board' for the sake of brevity). The writ petitioners did not respond and they were visited with 'orders made in May of 2023 bearing reference ந.கோ.எண் 446/பி/எ.அ-1-2019 signed on 29.05.2023 by Estate Officer/Chief Revenue Officer' (hereinafter 'said orders' for the sake of convenience and clarity) is learned counsel's further say.

5. Learned counsel for writ petitioners submits that the 12 writ petitioners filed 12 separate appeals assailing said orders and in the appeals, aforesaid impugned order has been made by R5. Learned counsel submits that on being visited with said SCNs, the writ petitioners became aware of an order dated 15.04.2021 made by another Hon'ble Division Bench in W.P.No.18769 of 2019 being a writ petition filed by one Anandhan wherein the writ petitioners herein were not made parties but a direction was given to 'Tamil Nadu Slum Clearance Board' (hereinafter 'erstwhile Slum Board' for the sake of convenience and clarity) to initiate and conclude eviction proceedings in accordance with law within a time



WEB COPY



W.P.No.8219 of 2025

frame. Learned counsel submits that while writ petitioners reserve their right to assail the 15.04.2021 order made in W.P.No.18769 of 2019, captioned main WP has been filed, as according to learned counsel, impugned order is not in accordance with law. In this regard, learned counsel submits that R5 is not the Appellate Authority.

6. Issue notice to respondents.

7. Mr. V. Ravi, learned Special Government Pleader, accepts notice for RR 1 and 5 and Ms. Indumathy Venkatesh, learned Standing Counsel, accepts notice for RR 2 to 4 and Ms. Indumathy Venkatesh is represented by Mr. T.K. Saravanan, learned Additional Government Pleader.

8. Learned State counsel submit in one voice that the name of 'Tamil Nadu Slum Clearance Board' (being referred to as 'erstwhile Slum Board') has since been changed and it now goes by name 'Tamil Nadu Urban Habitat Development Board' (being referred to as 'Urban Habitat Board'). This submission is recorded.

9. It is submitted by learned State counsel in one voice that the proceedings have been made under 'Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971 (Tamil Nadu Act 11 of 1971)' (hereinafter 'said Act' for the sake of brevity) and the Rules thereunder being 'Tamil Nadu Slum Clearance Board (Control and Management of Properties) Rules, 1971 (hereinafter 'said Rules' for the sake of brevity). (To be noted, said Rules have been made as set of subordinate legislation having been made under Section 70 of said Act which is a rule-making power). It is submitted that said SCNs are under Rule 5 read with Rule 4 of said Rules and impugned order is in appeal under Rule 9 of said Rules.

10. In the hearing, following questions/issues arise:

(i) Said Act is clearly a conditional legislation as sub-section (3) of Section 1 of said Act reads as follows:

'1. Short title, extent and commencement

1.



WEB COPY



W.P.No.8219 of 2025

2.

3. It shall come into force on such date as the Government may, by notification, appoint and different dates may be appointed for different areas and for different provisions of this Act.

Provided that any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.'

The term 'Government' occurring in sub-section (3) is a defined term having been defined *vide* Section 2(e) of said Act and the same reads as follows:

'2. Definitions

In this Act, unless the context otherwise requires, --

(a)

(b)

(c)

(d)

(e) "Government" means the State Government;

The question is whether the State Government has, by notification, appointed the dates for coming into force of the various provisions of said Act. If yes, details of the same together with notification/s to be produced by State Government.

(ii) Rule 9 of said Rules captioned 'Appeal' makes it clear that an appeal will lie to 'Chairman'. The term 'Chairman' is defined *vide* Rule 2(c) of said Rules and the same reads as follows:

'2. Definitions

In these rules --

(a)

(b)

(c) "Chairman" means Chairman of the Tamil Nadu Slum Clearance Board established under Section 34 of the Act;'



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W.P.No.8219 of 2025

Rule 2(c) takes us to Section 34 of said Act and Section 34 reads as follows:

'34. Establishment of Slum Clearance Board

(1) With effect from such date as the Government may, by notification, appoint in this behalf, there shall be established by Board by the name of the Tamil Nadu Slum Clearance Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal, and shall, by the said name sue and be sued.'

It is submitted by learned State counsel that R5 is the Appellate Authority *vide* Rule 9 of said Rules. Material to demonstrate that this is the obtaining position needs to be produced.

11. Faced with the above situation, learned State counsel request for a week's time to get instructions and make submissions on the above, together with supporting material.

12. Request acceded to.

13. Be that as it may, learned counsel for writ petitioners submits that the writ petitioners are under imminent threat of dispossession pursuant to the impugned order and if the impugned order is not kept in abeyance, the writ petitioners will be in dire straits. In this view of the matter, as the writ petitioners have made out a *prima facie* case regarding jurisdiction *qua* impugned order, as balance of convenience is in favour of grant of interim order sought for and as irreversible legal injury can occur if the impugned order is not kept in abeyance, there shall be an order of interim stay till the next hearing *i.e.*, interim stay as prayed for in W.M.P.No.9213 of 2025. To be noted, the prayer in W.M.P.No.9213 of 2025 reads as follows:



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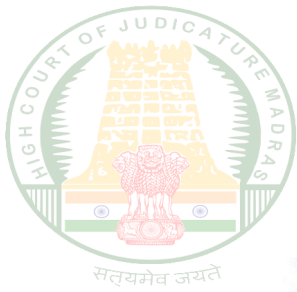
W.P.No.8219 of 2025

'... this Hon'ble Court may be pleased to grant an order of interim stay all further proceedings of the impugned order in No.4935295/UHD2(1)/2023 dated 12.02.2024 issued by the first respondent pending disposal of the above writ petition....'

14. List one week hence in the Admission Board *i.e.*, Motion List under the cause list caption 'NOTICE REGARDING ADMISSION'. List on 19.03.2025.

(M.S., J.) (K.G.T., J.)
12.03.2025'

3. As would be evident from paragraph 10 extracted *supra*, two issues popped up in the hearing. As regards the first issue, 'the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971 (Tamil Nadu Act 11 of 1971) [hereinafter 'said Act' for the sake of brevity] which is a conditional legislation, had kicked in on 20.03.1971 (20th March 1971) and to be noted, all the provisions of the said Act had kicked in. This is *vide* notification made by the Government under sub-section (3) of Section 1, notification has been published in G.O. No.343, Labour (Housing) Department dated 20.03.1971 and a scanned reproduction of the same is as follows:



W.P.No.8219 of 2025

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MISCELLANEOUS

GOVERNMENT OF TAMIL NADU
1971



LABOUR DEPARTMENT
(Housing.)

G.O. No. 343, 20th March 1971

The Tamil Nadu Slum Areas (Improvement and Clearance) Ordinance, 1971—
Enforcement of provisions—Notification—Published.

Order—No. 343, Labour (Housing), dated 20th March 1971.

The notification appended to this order will be published in an extraordinary issue of Part II—Section 1 of the *Tamil Nadu Government Gazette* in English on 20th March 1971.

2. This order issues with the concurrence of Social Welfare Department—*vide* its U.O. No. 14796/S and P II/71-1, dated 20th March 1971.

(By order of the Governor)

V. S. SUBBIAH,
Secretary to Government.

Post
To the Director of Stationery and Printing, Madras-1 (for publication in the *Tamil Nadu Government Gazette*.)
To the Chairman, Slum Clearance Board, Nandanam, Madras-35.
all Heads of Departments.
all Departments of Secretariat (all Sections).
the Accountant-General, Madras-18.
✓ Copy to the Secretary to the Government of India, Ministry of Works, Housing and Urban Development, New Delhi.

APPENDIX.

NOTIFICATION.

In exercise of the powers conferred by sub-section (3) of section 1 of the Tamil Nadu Slum Areas (Improvement and Clearance) Ordinance, 1971 (Tamil Nadu Ordinance 1 of 1971), the Governor of Tamil Nadu hereby appoints the 20th day of March 1971 as the date on which all the provisions of the said Ordinance shall come into force in the City of Madras in the first instance.



W.P.No.8219 of 2025

Labour. (HU.VI) Dept. 6

DRAFT--I

The Tamil Nadu Slum Areas (Improvement and Clearance)
Ordinance, 1971 - Enforcement of provisions - Notification
is Published.

G.O(Ms). No. 343 (Labour)(Hg), dated, 20.3.71

The notification appended to this order will be
published in an extraordinary issue of Part II, section I
of the Tamil Nadu Government Gazette in English on 20th 3rd March
1971.

2. This order issues with the concurrence of
Social Welfare Department - vide its U.O.No. 14745/514 P.II/1
dtd. 20.3.71.

3. & P., Ms.1.
Publication
The T.N.G.G.
Orders of Depts.
Orders of Sectt.
(Sections)
G., Ms.9.

Copy to the G.O.I.,
of Wks., Hg. & U.D.,
Delhi.

Slum Clearance Board.
Spl. Secy.

147

APPENDIX.

~~Notification~~ NOTIFICATION

In exercise of the powers conferred by sub-section (3) of section 1 of the Tamil Nadu Slum Areas (Improvement and Clearance) Ordinance, 1971 (Tamil Nadu Ordinance 1 of 1971), the Governor of Tamil Nadu hereby appoints the Forenoon of the ~~21st~~ ^{22nd} day of March 1971 as the date on which the said Ordinance shall come into force in the city of Madras.

in the first instance

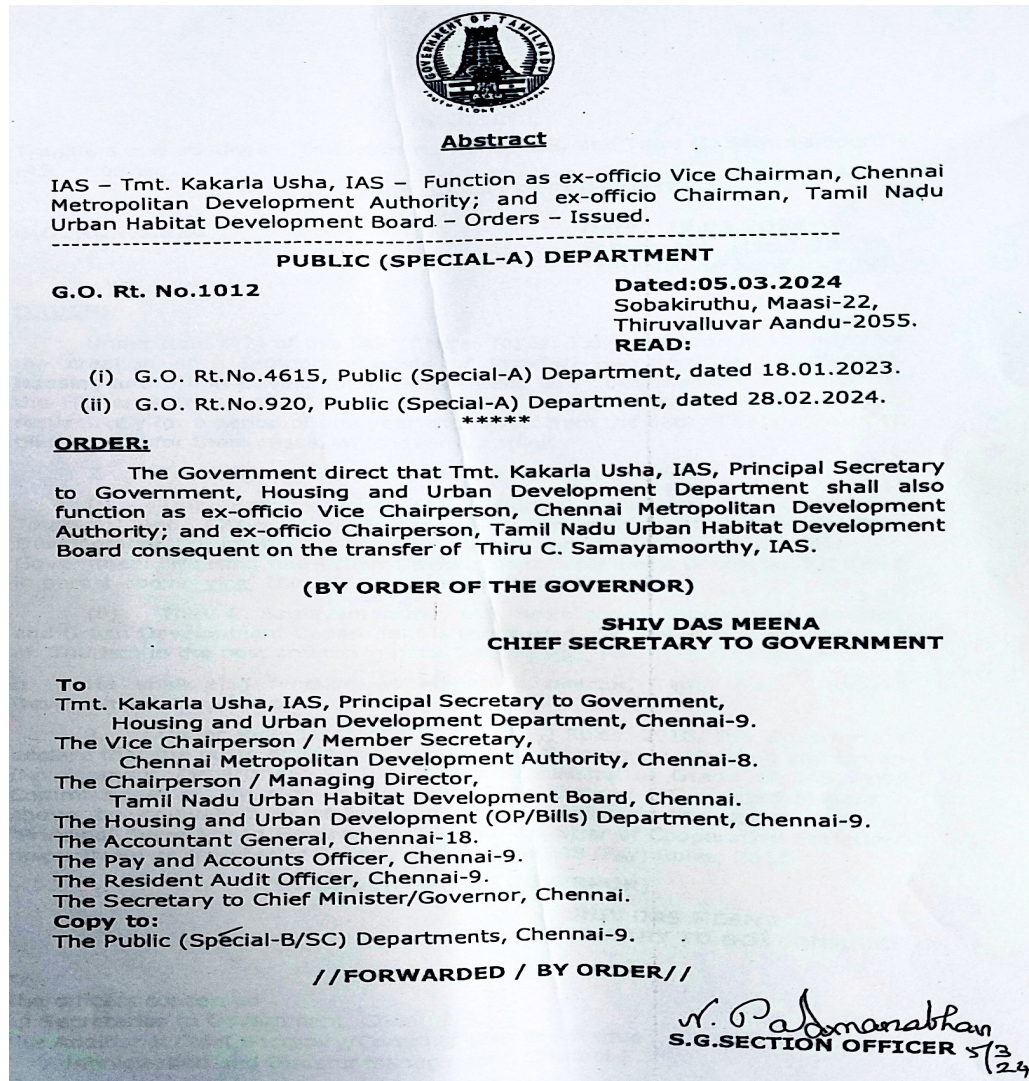
3.3.71-3.3.71

3.3.71



W.P.No.8219 of 2025

4. As regards the second issue that popped up, in and vide G.O. Rt. No.1012, Public (Special-A) Department dated 05.03.2024, the Principal Secretary to Government, Housing and Urban Development Department has been appointed as ex-officio Chairman of Tamil Nadu Urban Habitat Development Board. A scanned reproduction of the said Government Order is as follows:





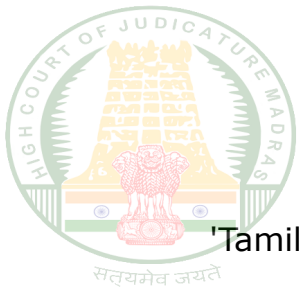
W.P.No.8219 of 2025

5. Mr. V. Anand, learned counsel for writ petitioners, submitted that it may be necessary to either assail or seek review of judicial order dated 15.04.2021 made by another coordinate co-equal Hon'ble Division Bench in W.P.No.18769 of 2019. Learned counsel sought leave of this Court to withdraw the captioned WP but made a plea to preserve all the rights and contentions of the writ petitioners to either assail or seek review of said order. A scanned reproduction of the endorsement made by learned counsel in the case file is as follows:

11/6/2025
I may be permitted to withdraw the
writ petition to seek review of the
earlier order.
N. Anand
Counsel for petitioners.
11/6/2025.

This request is acceded to.

6. Be that as it may, we also make it clear that all the rights and contentions of the writ petitioners and/or other similarly placed persons under the said Act and the Rules made thereunder being



W.P.No.8219 of 2025

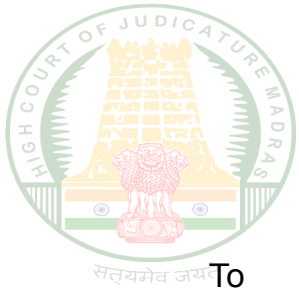
Tamil Nadu Slum Clearance Board (Control and Management of Properties) Rules, 1971, more particularly, the provisions dealing with allotment, are preserved and protected.

7. In the light of the trajectory the matter has taken and as there was interim protection pending captioned WP, learned State counsel submitted that coercive action, if any and if that be so, will not be before a fortnight from today *i.e.*, on or before 25.06.2025.

Captioned WP stands disposed of as withdrawn/closed, albeit with preservation of rights and contentions of writ petitioners in the aforesaid manner. Consequently, captioned writ miscellaneous petition stands disposed of as closed. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
11.06.2025

cad



W.P.No.8219 of 2025

To
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1. The Secretary to Government of Tamil Nadu
Housing & Urban Development Department
Fort St. George, Chennai 600 009
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M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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W.P.No.8219 of 2025

11.06.2025

Page Nos.16/16