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W.A.No.1688 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL**

W.A.No.1688 of 2022

The Chairman/Managing Director
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai, Chennai - 60 005.

Appellant(s)

Vs

1.Sathyamoorthy
S/o. Late Krishnan, No.8,
Plot No.246, Nehru Nagar,
1 st Street, Villivakkam,
Chennai - 600 049.

2. District Collector,
Fourth Floor,
M. Singaravelar Maaligai,
62, Rajaji Salai,
Chennai Collectorate,
Chennai – 600001

Respondent(s)

(R2 impleaded vide order dated 20.11.2025 made

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in W.A.No.1688 of 2022 by SMSJ & MSQJ)

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PRAYER: Writ Appeal is filed under Clause 15 of letters Patent, praying to set aside the order passed in W.P.No. 8826 of 2021 dated 29.11.2021 by allowing the writ appeal.

For Appellant(s) : Mr.J.Ravindran, AAG, assisted by
Mr.B.Balaji

For Respondent(s) : Mr.T.K.Kulasekaran (for R1)
Mrs.Akila Rajendran,
Government Advocate (for R2)

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

Writ appeal on hand is challenging the writ order dated 29.11.2021 in W.P.No.8826 of 2021. Tamil Nadu Urban Habitat Development Board, erstwhile Tamil Nadu Slum Clearance Board, instituted the present intra Court Appeal.

2.The respondent filed the writ petition seeking direction to execute the sale deed in respect of the property admeasuring 81 square meter of house site



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bearing Plot No.246, Nehru Nagar 1st Street, Villivakkam, Chennai-49, comprised

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in Survey No.373/2 consequent to the Allotment proceedings bearing Na.Ka.No.B3/22988/04 dated 10.01.2005, and based on the entire payment made in respect of the above property.

3.It is not in dispute that the subject plot was allotted originally in the name of the mother of the 1st respondent Smt. Govindammal vide proceeding dated 30.07.1986 by Tamil Nadu Slum Clearance Board. After the demise of the original allottee, the 1st respondent, who is non-other than the son of the allottee, secured re-allotment vide proceeding dated 10.01.2005. The 1st respondent has constructed a house and is residing there. While so, the Slum Clearance Board refused to executed sale deed. Hence, the 1st respondent filed the writ petition seeking a direction to execute the sale deed, and the writ court disposed of the writ petition recording the undertaking given by the Additional Advocate General that the sale deed will be executed in favour of the 1st respondent within a period of 5 months.



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4.The undertaking was given by the then learned Additional Advocate General. Now the learned Additional Advocate General Mr.J.Ravindran would submit that the undertaking given is incorrect in view of the fact that the subject land is clarified as a water body.

5.The land has been classified as Government Poramboke and the remarks column of the revenue records would show that said Government Poramboke is surrounded by Villivakam Eri, Railway A class, grazing land, Madras Water supply channel etc.

6.The learned Additional Advocate General would submit that 5 more such irregular allotments were made in the year 1986 but the Slum Clearance Board has not executed the sale deed in respect of irregular allotments. Even the counter affidavit filed by the Slum Clearance Board before the Writ Court would show that the area where subject plot is situated is classified as “Poramboke land” in Survey No.71, Konnur Village and that the said Poramboke land was not been transferred to the board till date. So, the board could not execute the sale



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deed in respect of the 1st respondent, for the 1st plot, and other 5 plots which all are situated in a poramboke land.

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7.However, the case of the 1st respondent will be considered by the empowered committee for providing alternate allotment.

8.The learned counsel for the 1st respondent would strenuously oppose by stating that the allotment was made originally in the name of the mother of the 1st respondent. Subsequently, it was re-allotted in the name of the 1st respondent. He has taken possession of the plot, constructed a house by spending his hard earned money and is residing there. In respect of the other plots, already sale deed was executed by the Slum Clearance Board. Therefore, the learned Additional Advocate General conceded before the Writ Court and consequently, the order came to be passed. Thus, the present writ appeal is to be rejected.

9. This Court heard the rival submissions made between the parties to the lis on hand. It is not in dispute between the parties that the allotment was made in



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the year 1986 in the name of the mother of the 1st respondent. Re-allotment was made in the name of the 1st respondent in the year 2005. Further, the 1st respondent constructed the house and is residing in the said house. In the event of not executing the sale deed, the 1st respondent will be put to prejudice. However, the Courts cannot approve any illegality committed by the Slum Clearance Board in exercise of the powers of judicial review. There cannot be an equality in illegality. One illegality committed can never be allowed to be perpetuated and the Courts have to consider the legal position as well as the entitlement of the person approaching the court of law.

10. In the present case, the revenue records are produced before this Court. On perusal, the subject lands are classified as “Government Poramboke”. In the remarks column water bodies are mentioned. The Government Poramboke land is surrounded by Villivakam Eri, Railway A class, grazing land, Madras Water supply channel etc.

11. As per the counter filed by the Slum Clearance Board, the Government



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Poramboke land has not been transferred in favour of the Slum Clearance Board.

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In the absence of any such land transfer by the Government in favour of the Slum Clearance Board, allotment cannot be made by the Slum Clearance Board. Thus, allotment made in favour of 6 individuals become illegal. Such illegality occurred on account of lapses or collusion committed by the officials of Slum Clearance Board. For the mistake of the officials, citizens need not be made to suffer. It is a mistake committed by Slum Clearance Board in allotting a Government Poramboke land in favour of individuals without obtaining transfer of land from the Government. The board authorities have committed gross violation and the concerned officials who have committed such illegality are liable to be prosecuted and subjected to departmental disciplinary proceedings.

12. Question arises whether the 1st respondent is entitled for an alternate relief other than the relief sought for in the writ petition for execution of the sale deed in respect of the allotted plot? In the event of issuing a direction to execute the sale deed, the consequences would be that the Slum Clearance Board is made to execute without any valid title or transfer of land by the Government.



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Therefore, the Slum Clearance Board is incompetent to execute a sale deed in favour of the individual since the Government Poramboke land has not been transferred in favour of Slum Clearance Board. Thus, the relief for execution of sale deed cannot be granted. Consequently the undertaking given by the then learned Additional Advocate General, is running counter to the provisions of law and the legal position. However, this Court cannot close its eyes with reference to the grievances addressed by the 1st respondent which appears to be genuine. Therefore, the 1st respondent is entitled for suitable alternate relief so as to ensure that he is not made to suffer on account of an illegality committed by the officials of Slum Clearance Board.

13. Reliance has been placed by the learned counsel for the 1st respondent that the then learned Additional Advocate General has given an undertaking that the Slum Clearance Board will execute a sale deed in favour of the 1st respondent within a period of 5 months from the date of receipt of a copy of the impugned writ order. Such an undertaking, since running counter to the provisions of law, since



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the Slum Clearance Board has no authority to execute the sale deed and the land has not been transferred by the Government in favour of the Slum Clearance Board, the undertaking cannot be executed. Validity of such undertaking, in contravention to the legal position, settled in the judgement cited below:

14. In the case of **Director of Elementary Education, Odisha & Ors v Pramod Kumar Sahoo**¹, Hon'ble Supreme Court held as under:

'8.Therefore, the concession given by the State counsel is erroneous concession in law and, does not bind the appellant. Reference was made to [Himalayan Coop. Group Housing Society v. Balwan Singh & Ors.](#) wherein, this Court held as under:

"32. Generally, admissions of fact made by a counsel are binding upon their principals as long as they are unequivocal; where, however, doubt exists as to a purported admission, the court should be wary to accept such admissions until and unless the counsel or the advocate is authorised by his principal to make such admissions. Furthermore, a client is not bound by a

¹ (2019) 10 SCC 674



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statement or admission which he or his lawyer was not authorised to make. A lawyer generally has no implied or apparent authority to make an admission or statement which would directly surrender or conclude the substantial legal rights of the client unless such an admission or statement is clearly a proper step in accomplishing the purpose for which the lawyer was employed. We hasten to add neither the client nor the court is bound by the lawyer's statements or admissions as to matters of law or legal conclusions....”

(Emphasis supplied)'

15. Therefore, any undertaking of the law officer, running counter to the statutes, rules and the legal position settled, cannot be relied on by the courts for the purpose of considering the issues and to grant relief.

16. In view of the above facts and circumstances, this Court is inclined to pass the following orders:

- (i) Writ order impugned dated 29.11.2021 passed in W.P.No.8826 of



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2021 is set aside.

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(ii) The appellant is directed to provide an alternate allotment to the 1st respondent in any one of the tenements within Chennai city and without recovering any additional cost from the 1st respondent. The exercise is directed to be done within a period of 8 weeks from the date of receipt of a copy of this order.

(iii) The appellant Managing Director, Tamil Nadu Slum Clearance Board is directed to assess the building constructed by the 1st respondent in the subject plot through Superintending Engineer, Tamil Nadu Slum Clearance Board, fix the value of the building and settle the value of amount in favour of the 1st respondent within a period of 8 weeks from the date of receipt of a copy of this order.

17. On re-allotment of the tenement and settlement of damages in favour of the 1st respondent, he shall vacate the subject property and handover the possession of the subject property to the appellant within a period of 4 weeks from the expiry of 8 weeks from the date of receipt of a copy of this order.



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18.On taking over possession of the subject property from the 1st respondent, the appellant is directed to handover the subject property to the District Collector, Chennai District, enabling them to protect the water body and use the Government Poramboke land for public purposes. It is needless to state that all such encroachments or irregular or illegal allotments have to be dealt with by the appellant and the revenue authorities in the manner known to law.

19.For the execution of this order, “District Collector, Fourth Floor, M. Singaravelar Maaligai, 62, Rajaji Salai, Chennai Collectorate, Chennai – 600001”, has been suo motu impleaded as a party respondent and Mrs.Akila Rajendran, learned Government Advocate, takes notice on behalf of the District Collector.

20.With the above directions, the writ appeal stands disposed of . There shall be no order as to costs.

(S.M.SUBRAMANIAM J.)(P. DHANABAL J.)

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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