



WEB COPY



W.P.Nos.15172 of 2020 etc., -----

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 23.05.2025

Pronounced on : 11.07.2025

CORAM

**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.P.Nos.15172, 15505 and 19403 of 2020 and
W.P.Nos.391, 394, 398, 575, 2171 and 7666 of 2021 and
W.P.No.14433 of 2022 and
W.P.Nos.6128, 6130 and 6133 of 2023 and
W.M.P.Nos.18942, 19355 & 23994, of 2020 and
W.M.P.Nos.456, 462, 467, 638, 639, 2459, 2460, 3066 & 3067 of 2021
and W.M.P.No.13649 of 2022**

W.P.No.15172 of 2020:-

1.Kasinathan

2.Kanniyammal

3.Sukdev

... Petitioners

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.

2.The Principal Secretary to Government,
Public Works Department,
Secretariat, Chennai.

3.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.

4.The Chairman / Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Slai,
Chennai – 600 005.



W.P.Nos.15172 of 2020 etc., -----

5.The Executive Engineer,
Division – IV,
Tamil Nadu Slum Clearance Board,
T.P.Chatram, Chennai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent or their men, agents, servants or any other person acting through them from in anyway interfering with the peaceful possession and enjoyment of the property of the petitioners situated 16/26, Gajalakshmi Colony 4th Street, Sheony Nagar, Chennai, D.No.29 Gajalakshmi Nagar, Shenoy Nagar, Chennai, Door No.84, Kathiravan Colony, Shenoy Nagar, Chennai, without due process of law.

For Petitioners : Mr.N.Umapathi

For Respondents : Mr.J.Ravindran, Additional Advocate General
assisted by Mr.B.Balaji and Mr.S.Karthikeyan
- for RR 1, 4 and 5
Mr.L.S.M.Hasan Fizal
Additional Government Pleader - for R2
Mr.D.B.R.Prabhu, Standing Counsel - for R3

W.P.No.15505 of 2020:-

- 1.Devayani
- 2.Padma
- 3.Arokkiasamy (Died)
- 4.Vajjiramani
- 5.Jayamariammal
- 6.A.Antony Donilace
- 7.A.Helan Rubavathi

... Petitioners

(Petitioners 5 to 7 are substituted as the legal heirs of the deceased third petitioner vide order in W.M.P.No.8388 of 2021 in W.P.No.15505 of 2020)

Vs.



W.P.Nos.15172 of 2020 etc., -----

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.

2.The Principal Secretary to Government,
Public Works Department,
Secretariat, Chennai.

3.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.

4.The Chairman / Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Slai,
Chennai – 600 005.

5.The Executive Engineer,
Division – IV,
Tamil Nadu Slum Clearance Board,
T.P.Chatram, Chennai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent or their men, agents, servants or any other person acting through them from in anyway interfering with the peaceful possession and enjoyment of the property of the petitioners situated Door No.65/52, Kathiravan Colony 1st Street, Shenoy Nagar, Chennai, Old No.6, Gajalakshmi Colony, Shenoy Nagar, Chennai, D.Nos.51/75, 27/42, Kathiravan Colony 1st Street, Shenoy Nagar, Chennai, Door No.84, Kathiravan Colony 1st Street, Shenoy Nagar, Chennai without due process of law.

For Petitioners : Mr.N.Umapathi

For Respondents : Mr.J.Ravindran, Additional Advocate General
assisted by Mr.B.Balaji and Mr.S.Karthikeyan
- for RR 1, 4 and 5
Mr.L.S.M.Hasan Fizal
Additional Government Pleader - for R2
Mr.D.B.R.Prabhu, Standing Counsel - for R3



W.P.Nos.15172 of 2020 etc., -----

W.P.No.19403 of 2020:-

- 1.Athilingam
- 2.Devendran
- 3.D.Viji
- 4.D.Raja
- 5.D.Malliga
- 6.D.Kiliyamma

... Petitioners

(Petitioners 3 to 6 are substituted as the legal heirs of the deceased second petitioner vide order in W.M.P.No.8393 of 2021 in W.P.No.19403 of 2020)

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.
- 2.The Principal Secretary to Government,
Public Works Department,
Secretariat, Chennai.
- 3.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.
- 4.The Chairman / Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Slai,
Chennai – 600 005.
- 5.The Executive Engineer,
Division – IV,
Tamil Nadu Slum Clearance Board,
T.P.Chatram, Chennai.
- 6.The Assistant Executive Engineer,
Koovam River Restoration Project,
Public Works Department,
Chennai.

... Respondents

(R6 is suo motu impleaded vide order dated 21.12.2020 in W.P.No.19403 of 2020 by PSNJ)



W.P.Nos.15172 of 2020 etc., -----

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent or their men, agents, servants or any other person acting through them from in anyway interfering with the peaceful possession and enjoyment of the property of the petitioners situated D.No.28/15A, 4th Street, Gajalakshmi Colony, Shenoy Nagar, Chennai, D.No.67/82, 1st Street, Kathiravan Colony, Shenoy Nagar, Chennai, without due process of law.

For Petitioners : Mr.N.Umapathi

For Respondents : Mr.J.Ravindran, Additional Advocate General
assisted by Mr.B.Balaji and Mr.S.Karthikeyan
- for RR 1, 4 and 5
Mr.L.S.M.Hasan Fizal
Additional Government Pleader - for R2
Mr.D.B.R.Prabhu, Standing Counsel - for R3

W.P.No.391 of 2021:-

Masthan Bee

... Petitioner

Vs.

- 1.The District Collector,
Chennai Collectorate,
Rajaji Salai,
Chennai – 600 001.
- 2.The Tamil Nadu Slum Clearance Board,
Rep. by its Chairman,
No.5, Kamarajar Salai,
Chennai – 600 005.
- 3.The Greater Chennai Corporation,
Rep. by its Commissioner,
Ripon Building, E.V.R. Periyar Salai,
Chennai – 600 002.
- 4.The Executive Engineer,
Zone – IV, Tamil Nadu Slum Clearance Board,
T.P. Chatiram, Chennai – 600 030.



W.P.Nos.15172 of 2020 etc., -----

5.The Public Works Department,
Rep. By its Chief Engineer,
CSIR Road, Taramani,
Chennai – 600 113.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order / (Form – B), dated 10.01.2020 passed by the 4th respondent herein in respect of petition property viz., Plot No.256, bearing Door No.18, measuring to an extent of 34 Sq. meter (equaling to 365 Sq. feet), comprised in Town Survey Nos.1 and 22, Block No.16 situated at New Street, Muthu Mariamman Colony called as M.M. Colony, Aminjikarai, Chennai – 600 029, to quash the same and consequently to direct the respondents 2 & 4 herein to execute the pucca sale deed to and in favour of the petitioner in respect of the petition property.

For Petitioner : Mr.L.Gavaskar

For Respondents : Mr.J.Ravindran, Additional Advocate General
assisted by Mr.Mohammed Sathik,
Government Advocate - for R1
Mr.J.Ravindran, Additional Advocate General
assisted by Mr.B.Balaji and Mr.S.Karthikeyan
- for RR 2 and 4
Mr.D.B.R.Prabhu, Standing Counsel - for R3
Mr.L.S.M.Hasan Fikal
Additional Government Pleader - for R5

W.P.No.394 of 2021:-

Ansar Beevi

... Petitioner

Vs.

1.The District Collector,
Chennai Collectorate,
Rajaji Salai,
Chennai – 600 001.

2.The Tamil Nadu Slum Clearance Board,
Rep. by its Chairman,
No.5, Kamarajar Salai,
Chennai – 600 005.



W.P.Nos.15172 of 2020 etc., -----

3.The Greater Chennai Corporation,
Rep. by its Commissioner,
Ripon Building, E.V.R. Periyar Salai,
Chennai – 600 002.

4.The Executive Engineer,
Zone – IV, Tamil Nadu Slum Clearance Board,
T.P. Chatiram, Chennai – 600 030.

5.The Public Works Department,
Rep. By its Chief Engineer,
CSIR Road, Taramani,
Chennai – 600 113.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order / (Form – B), dated 10.01.2020 passed by the 4th respondent herein in respect of petition property viz., Plot No.258, bearing Door No.20, measuring to an extent of 17 Sq. meter (equaling to 182 Sq. feet), comprised in Town Survey Nos.1 and 22, Block No.16 situated at New Street, Muthu Mariamman Colony called as M.M. Colony, Aminjikarai, Chennai – 600 029, to quash the same and consequently to direct the respondents 2 & 4 herein to execute the pucca sale deed to and in favour of the petitioner in respect of the petition property.

For Petitioner : Mr.L.Gavaskar

For Respondents : Mr.J.Ravindran, Additional Advocate General
assisted by Mr.Mohammed Sathik,
Government Advocate - for R1
Mr.J.Ravindran, Additional Advocate General
assisted by Mr.B.Balaji and Mr.S.Karthikeyan
- for RR 2 and 4
Mr.D.B.R.Prabhu, Standing Counsel - for R3
Mr.L.S.M.Hasan Fizal
Additional Government Pleader - for R5

W.P.No.398 of 2021:-

Adam Basha

... Petitioner



W.P.Nos.15172 of 2020 etc., -----

Vs.

1.The District Collector,
Chennai Collectorate,
Rajaji Salai,
Chennai – 600 001.

2.The Tamil Nadu Slum Clearance Board,
Rep. by its Chairman,
No.5, Kamarajar Salai,
Chennai – 600 005.

3.The Greater Chennai Corporation,
Rep. by its Commissioner,
Ripon Building, E.V.R. Periyar Salai,
Chennai – 600 002.

4.The Executive Engineer,
Zone – IV, Tamil Nadu Slum Clearance Board,
T.P. Chatiram, Chennai – 600 030.

5.The Public Works Department,
Rep. By its Chief Engineer,
CSIR Road, Taramani,
Chennai – 600 113.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order / (Form – B), dated 10.01.2020 passed by the 4th respondent herein in respect of petition property viz., Plot No.245, bearing Door No.3, measuring to an extent of 25 Sq. meter (equaling to 269 Sq. feet), comprised in Town Survey Nos.1 and 22, Block No.16 situated at New Street, Muthu Mariamman Colony called as M.M. Colony, Aminjikarai, Chennai – 600 029, to quash the same and consequently to direct the respondents 2 & 4 herein to execute the pucca sale deed to and in favour of the petitioner in respect of the petition property.

For Petitioner : Mr.L.Gavaskar

For Respondents : Mr.J.Ravindran, Additional Advocate General
assisted by Mr.Habib Rahman
Government Advocate - for R1



WEB COPY



W.P.Nos.15172 of 2020 etc., -----

Mr.J.Ravindran, Additional Advocate General
assisted by Mr.B.Balaji and Mr.S.Karthikeyan
- for RR 2, and 4
Mr.D.B.R.Prabhu, Standing Counsel - for R3
Mr.L.S.M.Hasan Fizal
Additional Government Pleader - for R5

W.P.No.575 of 2021:-

1.Manikandan

2.Aravindhadasan

... Petitioners

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.

2.The Chief Engineer,
Public Works Department,
Secretariat, Chennai.

3.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.

4.The District Collector,
Collectorate Buildings,
Chennai.

5.The Chairman / Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Slai,
Chennai – 600 005.

6.The Executive Engineer,
Division – IV, Tamil Nadu Slum Clearance Board,
T.P.Chatram, Chennai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 6th respondent made in proceedings in NA.KO.ENN. FORM-A and FORM-B dated 01.12.2020 and 12.12.2020



W.P.Nos.15172 of 2020 etc., -----

issued to the petitioners respectively and quash the same and consequently directing the respondents or their men, agents, servants or any other person acting through them from in any way interfering with the peaceful possession and enjoyment of the property of the petitioners situated at Door No.29, Barathipuram, Shenoy Nagar, Chennai and Door No.34, Barathipuram, Shenoy Nagar, Chennai without due process of law.

For Petitioners	: Mr.N.Umapathi
For Respondents	: Mr.J.Ravindran, Additional Advocate General assisted by Mr.Alagu Gowtham Government Advocate - for R1 and R4 Mr.J.Ravindran, Additional Advocate General assisted by Mr.B.Balaji and Mr.S.Karthikeyan - for RR 5 and 6 Mr.D.B.R.Prabhu, Standing Counsel - for R3 Mr.L.S.M.Hasan Fizal Additional Government Pleader - for R2

W.P.No.2171 of 2021:-

R.Annamani ... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chepauk, Chennai – 600 005.

2.The Executive Engineer,
Division – IV, Tamil Nadu Slum Clearance Board,
T.P.Chatram, Chennai – 600 010.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned eviction notice dated 15.12.2020 issued by the 2nd respondent and to quash the same as illegal and unconstitutional and consequently direct the 1st respondent to immediately execute sale deed for Plot No.236 bearing Door No.7/30-B, Bharathipuram Main Road, Shenoy Nagar, Chennai- 600 030, in favour of the petitioner herein.



W.P.Nos.15172 of 2020 etc., -----

For Petitioner

: Mr.S.Karthikeyan for M/s.Jury Brain Law Offices

For Respondents 1&2

: Mr.J.Ravindran, Additional Advocate General
assisted by Mr.B.Balaji and Mr.S.Karthikeyan

W.P.No.7666 of 2021:-

1.Devayani

2.Vajjiramani

3.Manikandan

4.Sukdev

... Petitioners

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.

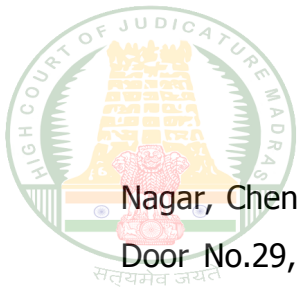
3.The District Collector,
Collectorate Buildings,
Chennai.

4.The Chairman / Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Slai,
Chennai – 600 005.

5.The Executive Engineer,
Division – IV, Tamil Nadu Slum Clearance Board,
T.P.Chatram, Chennai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 5th respondent to execute and register a sale deed in favour of the petitioners' premises bearing Door No.65/52, Kathiravan Colony 1st Street, Shenoy



W.P.Nos.15172 of 2020 etc., -----

Nagar, Chennai, Door No.27/42, Kathiravan Colony, Shenoy Nagar, Chennai, Plot No.237,
Door No.29, Bharathipuram, Shenoy Nagar, Chennai, Door No.84, Kathiravan Colony 1st
Street, Shenoy Nagar, Chennai, within the stipulated time as that may be fixed by this
Court.

For Petitioners : Mr.N.Umapathi

For Respondents : Mr.J.Ravindran, Additional Advocate General
assisted by Mr.Habib Rahman
Government Advocate - for R1 and R3
Mr.J.Ravindran, Additional Advocate General
assisted by Mr.B.Balaji and Mr.S.Karthikeyan
- for RR 4 and 5
Mr.D.B.R.Prabhu, Standing Counsel - for R2

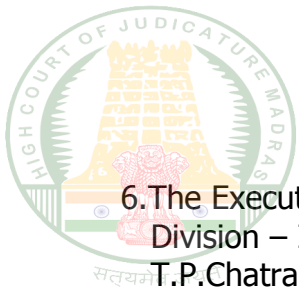
W.P.No.6128 of 2023:-

Devayani

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.
- 2.The Principal Secretary to Government,
Public Works Department,
Secretariat, Chennai.
- 3.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.
- 4.The District Collector,
Collectorate Buildings,
Chennai.
- 5.The Chairman / Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Slai,
Chennai – 600 005.



W.P.Nos.15172 of 2020 etc., -----

6.The Executive Engineer,
Division – IV, Tamil Nadu Slum Clearance Board,
T.P.Chatram, Chennai.

7.The Chief Engineer,
Office of the Chief Engineer (Buildings),
PWD., Kamarajar Salai,
Chepauk, Chennai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 5th respondent made in proceedings in SE.MU/E5/12851/2018 dated 09.11.2020 and quash the same and consequently directing the 6th respondent to execute and register a sale deed in favour of the petitioner's premises bearing Door No.65/52, Kathiravan Colony 1st Street, Shenoy Nagar, Chennai within the stipulated time as that may be fixed by this Court.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.J.Ravindran, Additional Advocate General
assisted by Mr.Habib Rahman
Government Advocate - for R1 and R4
Mr.J.Ravindran, Additional Advocate General
assisted by Mr.B.Balaji and Mr.S.Karthikeyan
- for RR 5 and 6
Mr.D.B.R.Prabhu, Standing Counsel - for R3
Mr.L.S.M.Hasan Fizal
Additional Government Pleader - for R2 and R7

W.P.No.6130 of 2023:-

Kanniyammal

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.



W.P.Nos.15172 of 2020 etc., -----

2.The Principal Secretary to Government,
Public Works Department,
Secretariat, Chennai.

3.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.

4.The District Collector,
Collectorate Buildings,
Chennai.

5.The Chairman / Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Slai,
Chennai – 600 005.

6.The Executive Engineer,
Division – IV, Tamil Nadu Slum Clearance Board,
T.P.Chatram, Chennai.

7.The Chief Engineer,
Office of the Chief Engineer (Buildings),
PWD., Kamarajar Salai,
Chepauk, Chennai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 5th respondent made in proceedings in SE.MU/E5/12851/2018 dated 09.11.2020 and quash the same and consequently directing the 6th respondent to execute and register a sale deed in favour of the petitioner's premises bearing Door No.29, Gajalakshmi Nagar, Shenoy Nagar, Chennai within the stipulated time as that may be fixed by this Court.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.J.Ravindran, Additional Advocate General
assisted by Mr.Alagu Gowtham
Government Advocate - for R1 and R4
Mr.J.Ravindran, Additional Advocate General
assisted by Mr.B.Balaji and Mr.S.Karthikeyan



WEB COPY



W.P.Nos.15172 of 2020 etc., -----

- for RR 5 and 6
Mr.D.B.R.Prabhu, Standing Counsel - for R3
Mr.L.S.M.Hasan Fizal
Additional Government Pleader - for 2 and 7

W.P.No.6133 of 2023:-

Manikandan

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.
- 2.The Principal Secretary to Government,
Public Works Department,
Secretariat, Chennai.
- 3.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.
- 4.The District Collector,
Collectorate Buildings,
Chennai.
- 5.The Chairman / Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Slai,
Chennai – 600 005.
- 6.The Executive Engineer,
Division – IV, Tamil Nadu Slum Clearance Board,
T.P.Chatram, Chennai.
- 7.The Chief Engineer,
Office of the Chief Engineer (Buildings),
PWD., Kamarajar Salai,
Chepauk, Chennai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 5th respondent made in



W.P.Nos.15172 of 2020 etc., -----

proceedings in SE.MU/E5/12851/2018 dated 24.11.2020 and quash the same and consequently directing the 6th respondent to execute and register a sale deed in favour of the petitioner's premises bearing Door No.29, Gajalakshmi Nagar, Shenoy Nagar, Chennai within the stipulated time as that may be fixed by this Court.

For Petitioner	: Mr.N.Umapathi
For Respondents	: Mr.J.Ravindran, Additional Advocate General assisted by Mr.Habib Rahman Government Advocate - for R1 and R4 Mr.J.Ravindran, Additional Advocate General assisted by Mr.B.Balaji and Mr.S.Karthikeyan - for RR 5 and 6 Mr.D.B.R.Prabhu, Standing Counsel - for R3 Mr.L.S.M.Hasan Fizal Additional Government Pleader - for RR 2 and 7

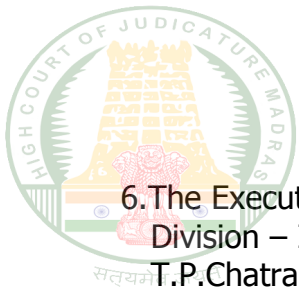
W.P.No.14433 of 2022:-

Shanthakumari

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.
- 2.The Chief Engineer,
Public Works Department,
Secretariat, Chennai.
- 3.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.
- 4.The District Collector,
Collectorate Buildings,
Chennai.
- 5.The Chairman / Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Slai,
Chennai – 600 005.



W.P.Nos.15172 of 2020 etc., -----

6.The Executive Engineer,
Division – IV, Tamil Nadu Slum Clearance Board,
T.P.Chatram, Chennai.

... Respondents

WEB COPY

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent or their men, agents, servants or any other person acting through them from in anyway interfering with the peaceful possession and enjoyment of the property of the petitioner situated at Plot No.131, Door No.14A, Gajalakshmi Colony, Sheony Nagar, Chennai without due process of law.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.J.Ravindran, Additional Advocate General
assisted by Mr.Habib Rahman
Government Advocate - for R1 and R4
Mr.J.Ravindran, Additional Advocate General
assisted by Mr.B.Balaji and Mr.S.Karthikeyan
- for RR 5 and 6
Mr.D.B.R.Prabhu, Standing Counsel - for R3
Mr.L.S.M.Hasan Fizal
Additional Government Pleader - for R2

* * *

COMMON ORDER

(By G.R.SWAMINATHAN, J.)

The petitioners in these writ petitions are either allottees by Tamil Nadu Slum Clearance Board or purchasers from the original allottees. The plots occupied by them are in the vicinity of Cooum river. The government proposes to evict them. To forebear the government from interfering with their peaceful possession and enjoyment of the respective premises, these writ petitions have been filed.



WEB COPY

2. At their instances, an advocate commissioner was appointed and the learned advocate commissioner has also filed his report dated 29.09.2021. The advocate commissioner's report confirms that the plots assigned in favour of the petitioners / their predecessors in title have been classified in the revenue record as "river poramboke".

3. The prime contention of the learned counsel for the petitioners is that once an area has been declared as slum and allotments had also been made by the Slum Clearance Board, the occupants of the said area would be entitled to statutory protection under Section 29 of the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971.

4. Not only the government but the Tamil Nadu Slum Clearance Board has also been made as party respondent in these writ petitions. The Tamil Nadu Slum Clearance Board in its counter affidavit has stated that even though the allotments were made by the board, the lands under the scheme had not yet been transferred to Slum Clearance Board so far and that is why, sale deed has not been issued to the beneficiaries. The board conceded that it had issued "no objection" certificate in favour of the allottees so as to enable them to obtain the basic amenities such as electricity service connection, drinking water facility etc. But the Slum Clearance Board had taken a stand that since the land does not belong to the board and the ownership is yet to be transferred, the scheme area continues to vest with public works department.

5. The learned Additional Advocate General on instructions states that none of the encroachers will be rendered roofless. All of them will be suitably rehabilitated. His



grievance is that on account of the pendency of these writ petitions, the river restoration project could not be implemented. He called upon this Court to dismiss the writ petitions.

WEB COPY

6. We carefully considered the rival contentions and went through the materials on record.

7. The petitioners herein are residents of Gajalakshmi Colony, Kathiravan Colony, Muthu Mariamman Colony and Bharathipuram. All these localities are comprised in Block No.16, T.S.No.3. A mere look at the revenue record would indicate that T.S.No.3 is nothing but Cooum river. It is true that Gajalakshmi Colony as well as Kathiravan Colony are also comprised in T.S.No.2, which is not a river poramboke. But in the case of the petitioners herein, when a substantial portion of the premises is comprised in T.S.No.3, it may not be possible to dichotomize between T.S.No.2 and T.S.No.3.

8. When admittedly T.S.No.3 is a river poramboke, it was not open to Slum Clearance Board to allot the same by parcelling it. Such an allotment has to be considered as *void ab initio*. This is all the more so because the ownership over the lands was never transferred to Slum Clearance Board. When the Slum Clearance Board itself lacks the title, they could not have conveyed a better title in favour of the petitioners herein. The FMB which is prepared a century ago was produced before us and by perusing the same, we can notice that all these colonies fall within the boundaries of Cooum river. When the area occupied by the petitioners is a water body, they have to necessarily vacate and the only indulgence that they can seek is that they should be given alternative accommodation.



W.P.Nos.15172 of 2020 etc., -----

WEB COPY

9.The provisions of Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971, cannot be cited to repel the eviction proceedings. The very purpose of declaring an area as slum clearance area is to rehabilitate its occupants and not to preserve the status quo. In the cases on hand, the respondents have already built suitable tenements and are offering the same to the petitioners herein to move in.

10.We must however place on record that even according to the respondents, Kasinathan, the first petitioner in W.P.No.15172 of 2020 is admittedly not in occupation of river poramboke. Therefore, the respondents make it clear that he is not proposed to be evicted. This is placed on record. However, Kasinathan has no enforceable right to seek issuance of sale deed in his favour. This is because Tamil Nadu Slum Clearance Board itself does not have title over the land.

11.As regards, Annamani, the petitioner in W.P.No.2171 of 2021, there appears to be some confusion. As per the advocate commissioner's report, his plot is abutting Cooum river on the western side. But as per the revenue record, the said plot is in T.S.No.20, which has been classified as sarkar poramboke and not as river poramboke. It is for the authorities to have a re-look at the whole issue. If the authorities are satisfied after due notice to Annamani that he is in occupation of river poramboke, then appropriate action can be taken. Till such decision is taken, Annamani shall not be evicted.

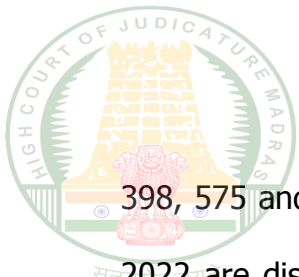


12. Even though the writ petitioners are encroachers and their encroachment comes under objectionable category, the government has taken suitable steps to rehabilitate them. Alternative housing accommodation has been made ready. All that the writ petitioners need to do is to offer their bio-metric details. The respondents are ready to hand over keys to the writ petitioners, the moment they vacate the premises in question.

13. We take note of the fact that on account of encroachment of the writ petitioners, the government has not been able to implement the Integrated Cooum River Eco-Restoration Project. The government wants to restore the river to its original position. The project remains struck on account of the encroachments. The Madras High Court in hundreds of cases has given categorical direction to remove the encroachments in water bodies. Removing the encroachments in water bodies is a constitutional duty cast on the government.

14. The concerned officials of Public Works Department, Water Resources Department and the Corporation of Commissioner will have to liaison amongst themselves and ensure that all the encroachments on the banks of Cooum river are cleared. The Commissioner of Police, Chennai City is directed to extend his fullest assistance and cooperation to ensure that this drive is successfully completed. If the authorities fail to clear the encroachments as mandated above, it will constitute contempt of Court.

15. Recording the stand of the learned Additional Advocate General that all the writ petitioners would be rehabilitated, W.P.Nos.15505 and 19403 of 2020, W.P.Nos.391, 394,



W.P.Nos.15172 of 2020 etc., -----

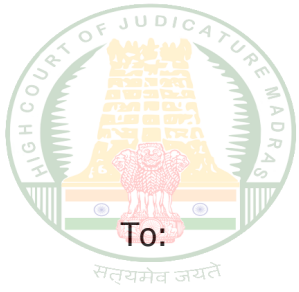
398, 575 and 7666 of 2021, W.P.No.14433 of 2022 and W.P.Nos.6128, 6130 and 6133 of 2022 are dismissed with the aforesaid directions. W.P.No.2171 of 2021 is disposed of in

the above terms. W.P.No.15172 of 2020 is partly allowed insofar as Kasinathan is concerned and dismissed in respect of other petitioners. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) & (V.L.N., J.)
11.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

ias



W.P.Nos.15172 of 2020 etc.,

To:

- 1.The Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.
- 2.The Principal Secretary to Government,
Public Works Department,
Secretariat, Chennai.
- 3.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.
- 4.The District Collector,
Collectorate Buildings,
Chennai.
- 5.The Chairman / Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Slai,
Chennai – 600 005.
- 6.The Executive Engineer,
Division – IV, Tamil Nadu Slum Clearance Board,
T.P.Chatram, Chennai.
- 7.The Chief Engineer,
Office of the Chief Engineer (Buildings),
PWD., Kamarajar Salai,
Chepauk, Chennai.
- 8.The Chief Engineer,
Public Works Department,
CSIR Road, Taramani,
Chennai – 600 113.
- 9.The Assistant Executive Engineer,
Koovam River Restoration Project,
Public Works Department,
Chennai.



WEB COPY



W.P.Nos.15172 of 2020 etc., -----

**G.R.SWAMINATHAN, J.
AND
V.LAKSHMINARAYANAN, J.**

ias

**W.P.Nos.15172, 15505 and 19403 of 2020
and
W.P.Nos.391, 394, 398, 575, 2171 and 7666 of 2021
and
W.P.No.14433 of 2022
and
W.P.Nos.6128, 6130 and 6133 of 2023**

11.07.2025
(4/4)