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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2025

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.22125 of 2023

Sasikala

... petitioner

-Vs-

1. The District Collector,
Chennai District, Chennai.

2. The Executive Engineer,
Tamil Nadu Urban Habitat Development Board,
Division-II, Chennai.

3. The Chairman,
Tamil Nadu Slum Clearance Board,
Nandanam, Chennai.

4. The Junior Engineer,
Tamil Nadu Urban Habitat Development Board,
Division – II, Chennai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus direct the second to fourth respondents to consider the representation of the petitioner dated 13.07.2023 consequently, directs the respondents not to disturb the petitioner's possession and enjoyment of the property situated at No.42, Poondithangammal Street, New Washermenpet, Chennai.

For petitioner : Mr.N.Marimuthu



For Respondent : Mr.P.Ganesan, AGP R1
Mr.G.Sivakumar, RR2 to 4

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ORDER

The writ petition has been filed seeking a direction to the second to fourth respondents to consider the representation of the petitioner dated 13.07.2023 consequently, directs the respondents not to disturb the petitioner's possession and enjoyment of the property situated at No.42, Poondithangammal Street, New Washermenpet, Chennai.

2. It is the case of the petitioner that the petitioner is a widow aged about 58 years residing at No.42, Poondithangammal street, New Washermenpet, Chennai for the past 40 years with his family. In the meantime her husband Nagalaingam died on 24.10.2021, thereafter the petitioner was peacefully living in the above mentioned address. During her husband's life time, the petitioner's husband has applied for patta before the Revenue Authority and now is in process. Moreover, the Government had assigned the house number as No.42 for the petitioner for the other occupants, the TNEB has given an electricity connection in her name. That being so, the 4th respondent had given a notice on 10.07.2023 neither with any reference number nor with any valid documents and threatened the petitioner to vacate her house, otherwise with police force the petitioner's house will be demolished within 7 days from the receipt of the notice.



Therefore, the petitioner has made a representation on 13.07.2023 directs the respondents not to disturb the petitioner's possession and enjoyment of the property situated at No.42, Poondithangammal Street, New Washermenpet,

Chennai and the same is not considered. The 4th respondent entered into the petitioner's house and started to demolish the petitioner's house and remove the petitioner's house roof, without considering the petitioner's representation. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that the petitioner was peacefully living in the said address for the past 40 years, the 4th respondent without any due process of law, threatened the petitioner to vacate the possession. There was no show cause notice or any other intimation from the Government till date apart from this notice.

4. The learned counsel for the respondents 2 to 4 submitted that the petitioner is a land encroacher, she encroached the vacant land of the third respondent. The third respondent has issued notice on 10.07.2023 to the petitioner to remove the encroachment. Without challenging the said notice, the petitioner has filed the present writ petition is not maintainable.

5. Heard both sides and perused the materials available on record.



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6. Though the petitioner has claimed that she is possession and enjoyment of the above said property for the past 40 years. The petitioner has encroached to an extent of 866.82 sq. ft. of open space area. However, she has not produced any allotment order before this Court and enjoying the property of the third respondent, which is not sustainable. The respondent has issued notice to the petitioner to evict the premises. Without challenging the said order, the petitioner has filed mandamus, which is not maintainable.

7. In view of the above, the writ petition is dismissed. No costs. Consequently.....However, liberty is granted to the petitioner to challenge the eviction notice in the manner known to law.

14.10.2025

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To

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2. The Executive Engineer,
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M.DHANDAPANI, J.

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