



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-03-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WA No. 2985 of 2024

AND

CMP NO. 22413 OF 2024

Balachandran

Appellant(s)

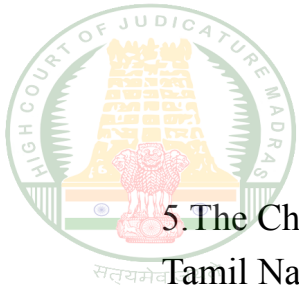
Vs

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



WEB

5. The Chairman / Managing Director
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
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.

Respondent(s)

WA No. 2985 of 2024

PRAYER

To set aside the order passed in WP No.6938 of 2023 dated 07.03.2023 by allowing the Writ Appeal.

WA No. 2985 of 2024

For Appellant(s): Mr.N.Umapathi

For Respondent(s): Mr.J.Ravindran AAG Asst By
Mr.G.Ameedius Govt. Advocate
For R1, 2, 4 and 7
Mr.A.Arun Babu SC For GCC
For R3 And Mr.B.Balaji SC For
GCC For TNUHDB R5 & 6



JUDGMENT

(Judgment was delivered by S.M.Subramaniam J.)

WEB COPY

The writ petitioners have challenged the proceedings of the Tamil Nadu Slum Clearance Board (now known as the Tamil Nadu Urban Habitat Development Board) dated 09.11.2020 cancelling the allotment of plot granted in favour of the appellants.

2. It is not in dispute that the subject land is situated on the banks of Cooum River and the Government formulated a policy to clean the river for the benefit of the public. Since the project to clean Cooum River is to be undertaken, the slum clearance board allotments' were cancelled. The learned Single Judge made a finding that the pond is located on the bank of the Cooum River. Pertinently, the Government has allotted an alternate site to the petitioners.

3. The learned Additional Advocate General appearing on behalf of the respondents 1, 2 4 and 7 would submit that the alternate tenement granted has



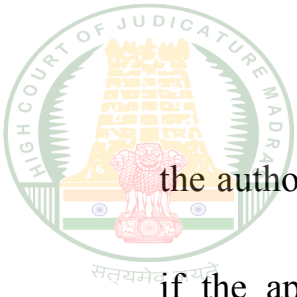
not been occupied.

WEB COPY

4. The allotment made on the Cooum River's banks is questionable due to its proximity to a waterbody. It is a waterbody, more specifically, a river and the banks of river cannot be allotted for construction of any building. However, now the Government has approved a policy for cleaning the Cooum River in the larger public interest and in lieu alternate accommodation / tenement was granted to the petitioners.

5. If at all the petitioners are entitled for any other compensation or otherwise, they at liberty to workout their remedy. However, alternate accommodation has already been provided to the petitioners and therefore, they are at liberty to occupy the same.

6. However, the appellant cannot continue to reside along the Cooum River thereby causing obstruction to the implementation of the public projects. Thus, the appellant shall vacate the subject premises and hand over the same to



the authorities, enabling the authorities to implement Cooum River Project and

if the appellant failed to do so, the respondents shall evict them and take

possession of the property.

7. With these liberty, the Writ Appeal stands dismissed. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

19-03-2025

Jeni

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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 Salai, 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.



WEB COPY

WA No. 2985 of 2024



**S.M.SUBRAMANIAM
J.
AND
K.RAJASEKAR J.**

Jeni

WA No. 2985 of 2024

19-03-2025