



WEB COPY

1/14

WA No. 2639 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-09-2025

CORAM

**THE HONOURABLE MR JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR**

**WA No. 2639 of 2025 and
CMP Nos.21208 & 21210 of 2025**

Veambzhaki

Appellant(s)

Vs

1. The Commissioner
Corporation of Madras,
Ripon Building, Chennai-03.

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

3.The Executive Engineer
The Tamil Nadu Slum Clearance Board,
Rep By Its Managing Director
Division- II, No.5, Kamarajar Salai,
Chennai- 600005.

4.The Assistant Engineer
Chennai Corporation Zone No. V,
Chennai 600 001

Respondent(s)



Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed by this Court in W.P. No. 17354 of 2025 dated 21.07.2025.

For Appellant(s): Mr.R.Suresh Kumar
for Mr.S.Sarath Chandran

For Respondent(s): Mr.D.B.R.Prabhu,
Standing Counsel for R1 & R4
Mr.G.Sivakumar,
Standing Counsel for R2 & R3

JUDGMENT

(Judgment of the Court was made by R.Suresh Kumar J.)

This Intra Court Appeal has been directed against the order passed by the learned Writ Court dated 21.07.2025, made in W.P.No.17354 of 2025. The appellant was the writ petitioner, who moved the writ petition seeking for a writ of Mandamus forbearing the respondents 1 to 4 from disposing the writ petitioner from No.9, NSC Bose Road, Arul Sakthi Vinayagar Kovil, Broadway, Chennai 600108, without due process of law and consequently, direct the respondents to consider the petitioner's representation dated 29.04.2025 and to issue allotment order for alternative accommodation in the third respondent Water Based Road Project on par with similarly placed persons.



WEB COPY

2. It is the case of the appellant/writ petitioner that she has been residing along with her husband in a small hut or tenement at the place belonging to the respondent Corporation at No.9 NSC Bose Road, Arul Sakthi Vinayagar Kovil, Broadway, Chennai 600108. That land is adjacent to a Government building, popularly known as Kuralagam building, where originally some Government offices were located and due to the age of the building as the same has become dilapidated and also the nearby area is going to be developed as a new Bus stand, the authority concerned thought it fit to demolish it for the new construction. By doing so, in the adjacent area i.e., No.9, NSC Bose Road, not only the appellant/writ petitioner, but also similarly placed persons more than 40 in numbers have been in encroachment and they are residing as encroachers. Therefore, in order to remove such encroachment, the authorities had come forward with a rehabilitation scheme under which alternative tenements or residences would be provided to the encroachers and on that condition these encroachments would be removed.



3. In this context, an enumeration process had taken place for two days, but however, during such days when such enumeration had taken place, the appellant/writ petitioner as well as her husband since were out of station, they could not attend the enumeration process and resultantly, their names were left and therefore, at the time of giving the alternative tenement, the names of the appellant/writ petitioner and her husband were left out. Only in that circumstances, after giving a representation as stated supra, the appellant/writ petitioner had approached this Court by filing the aforesaid writ petition.

4. The learned Writ Court having considered the case projected by the learned counsel for the appellant/writ petitioner was pleased to dismiss the said writ petition by an order impugned dated 21.07.2025.

5. Heard the learned counsel for the appellant/writ petitioner and the learned standing counsel for the first respondent, Chennai Corporation and also learned standing counsel for the Tamil Nadu Slum Clearance Board.



6. The learned counsel appearing for the appellant/writ petitioner has brought to our notice that, even though the appellant/writ petitioner as well as her husband and their child forming a nuclear family had been residing in the said locality for several years, as they could not give their names during the enumeration process which took place for two days in this regard, their names have been left out and merely because during the days such process was taken up the appellant/writ petitioner was not available, the right of her family to get an alternative tenement cannot be taken away and therefore, to that extent, the representation submitted by the appellant/writ petitioner since was not considered, it triggered the appellant/writ petitioner to approach the learned Writ Court. However, the learned Writ Court has not considered all these aspects in proper perspective, as nearly about 50 families have been considered for such an alternative accommodation and that has been provided, whereas, the appellant/writ petitioner alone has been denied. Hence, the learned counsel appearing for the appellant/writ petitioner seeks indulgence of this Court against the impugned order.



7. On the other hand, the learned standing counsel for the Chennai Corporation and the learned standing counsel for the Tamil Nadu Slum Clearance Board, presently known as Tamil Nadu Urban Habitat Development Board have submitted that, insofar as the tenement where the appellant/writ petitioner claims to have been residing along with her husband and child is concerned, already in the name of the Sister-in-Law as well as the Mother-in-Law of the appellant/writ petitioner, two alternative accommodations have been allotted. When that being so, for one single family, third allotment cannot be given. Therefore, that was the main reason for which the plea raised by the appellant/writ petitioner having been considered was to be rejected and before it was rejected, since the appellant/writ petitioner approached the Writ Court, the position has been stated before the Writ Court and the Writ Court also having considered all these aspects, dismissed the writ petition rightly. Hence, the order impugned is to be sustained.

8. Though such a stand was taken by the respondents' counsel, at one point of time, when the matter came up for hearing on 04.09.2025, we passed the following order,



Corporation has produced the copy of the proceedings issued by the Commissioner of Greater Chennai Corporation, dated 15.09.2025, whereby, *inter alia*, the following has been stated,

The above matter came up for hearing on 04.09.2025. On behalf GCC the Additonal Advocate General appeared and argued the case. In this context the following docket order dated 04.09.2025 has been passed with the following directions that;

"6. Mr.M.Suresh Kumar, learned Additional Advocate General appearing for the respondents, on instructions, would submit that, the necessary instruction would be given by the first respondent to the second respondent by sending a separate communication for considering the request of the appellant / petitioner for giving allotment of a new tenement constructed under the third respondent Board under the scheme where all those who have been vacated from the occupied place adjacent to Kuralagam building which is to be demolished for the purpose of expansion of proposed bus terminus would be rehabilitated and therefore, he



seeks a week's time to produce such copy of letter to be written by the first respondent to the second respondent, thereafter, orders can be passed by this Court.

2. Recording the said submission, post the matter on 12.09.2025 under the caption 'for orders'.

Whereas, two allotment were issued in the appellant family i.e., 1. in favour of Mrs.Anjalai and 2. in favour of Mrs.Kala, who are the appellant's mother in law and the appellant's brother in law's wife respectively, in the same family residing in two houses. Since the appellant seeking the allotment in her favour and residing together with her mother in law under the same roof, the same can be considered by way of recommendation to mutate/transfer the allotment issued infavour of Mrs.Anjalai in the reference 1st cited.

By considering the above facts, I hereby recommend that the temporary allotment issued infavour of Mrs.Anjalai may be



mutated/transferred in favour of the Appellant

Mrs. Veambzhaki.

WEB COPY

10.Relying upon this communication as well as the proceedings of the Commissioner, Chennai Corporation, the learned standing counsel would submit that already proceedings have been issued by giving recommendation to the Tamil Nadu Urban Habitat Development Board for allotment of an alternative tenement to the appellant/writ petitioner and in this context, the allotment already given in the name of one Anjalai, who is none other than the Mother-in-Law of the appellant/writ petitioner would be mutated or transferred to the appellant/writ petitioner's name Veambzhaki.

11.A copy of this proceedings also has been served on the learned counsel for the appellant/writ petitioner, who on reading the same would contend before this Court that if an allotment is given to the appellant/writ petitioner, she would be satisfied, but the allotment already given in the name of Anjalai, who is the Mother-in-Law of the appellant/writ petitioner cannot be cancelled or taken away as the Mother-in-Law since forms a nuclear family and residing



separately, it cannot be treated as a single family along with the appellant/writ petitioner.

12.Be that as it may, insofar as the appellant/writ petitioner's family consisting of herself, her husband and child and since it forms a nuclear family among them, that family would be entitled to get an alternative accommodation which they would be getting by virtue of the recommendation/communication issued by the Commissioner, Chennai Corporation, based on which Tamil Nadu Urban Habitat Development Board would pass necessary allotment order in due course. However, whether it is based on the basis of the cancellation of the order already been given in the name of Anjalai or not is not a matter to be gone into at this juncture in this lis. Therefore, that issue is kept open and it can be agitated by the concerned person, if she is aggrieved at a later point of time.

13.In that view of the matter, this Court is inclined to dispose of the Writ Appeal with the following order that, the proceedings of the first respondent/Commissioner, Chennai Corporation, dated 15.09.2025, is taken on record. In view of the same, as requested or recommended in the said letter by



the Greater Chennai Corporation, the Managing Director, Tamil Nadu Urban Habitat Development Board is hereby directed to give such allotment or an alternative accommodation as in the case of others who have been given already such an allotment, to the appellant/writ petitioner. Such an allotment order be given within a period of two (2) weeks from the date of receipt of a copy of this order.

14. With these observations and directions, the Writ Appeal is accordingly ordered. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.K., J.] [H.C., J.]
16-09-2025

sli

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Commissioner

Corporation of Madras,

Ripon Building, Chennai-03.

2. The Managing Director

The Tamil Nadu Slum Clearance Board,

No. 5 Kamarajar Salai,

Chennai 600 005



3.The Executive Engineer
The Tamil Nadu Slum Clearance Board,
Rep By Its Managing Director
Division- II, No.5, Kamarajar Salai,
Chennai- 600005.

4.The Assistant Engineer
Chennai Corporation Zone No. V,
Chennai 600 001



WEB COPY

14/14

WA No. 2639 of 2025



R.SURESH KUMAR J.
AND
HEMANT
CHANDANGOUDAR J.

sli

WA No. 2639 of 2025

16-09-2025