



W.A.No.2088 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

CORAM :

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ**

**W.A.No.2088 of 2023
and
W.A.No.1307 of 2023 and CMP.No.12952 of 2023**

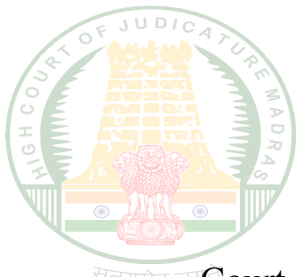
S.Muthiah ... Appellant in W.A.2088/2023
and
Respondent in W.A.1307/2023
Vs.

1.The Chairman
The Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

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

... Respondents in W.A.2088/2023
and
Appellants in W.A.1307/2023

PRAYER : The Writ Appeals have been filed under Clause 15 of the Letters patent against the common judgment and order passed by this



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WEB COPY Court dated 11.04.2022 and the consequential clarificatory order dated 20.04.2022 made in W.P.No.613 of 2012.

For Appellant in ... Mr.P.J.Rishikesh
W.A.2088 of 2023
&
Respondent in
W.A.No.1307 of 2023

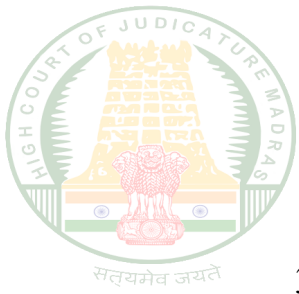
For Respondents in ... Mrs.G.Thilagavathy,
W.A.2088 of 2023 Senior Counsel
& for Mr.B.Balaji
Appellants in Standing Counsel for TNSCB
W.A.1307 of 2023

COMMON JUDGMENT

(The order of this Court was made by S.M.Subramaniam,J.,)

The present intra-court appeals have been instituted to assail the writ order dated 11.04.2022 passed in W.P.No.613 of 2012.

2.For the sake of convenience, the rank of the parties as in the writ petitions followed.



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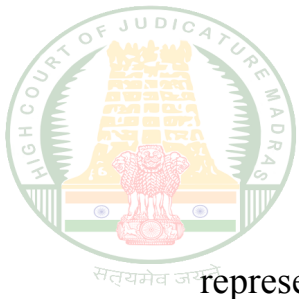
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3.The writ appeal No.1307 of 2023 is filed by the Tamil Nadu Slum Clearance Board/respondents in the writ proceedings. Writ appeal No.2088 of 2023 is filed by the writ petitioner.

4.Both the parties in the writ proceedings have aggrieved consequent to the relief granted by the writ Court.

5.Facts in nutshell not seriously disputed between the parties would show that on 28.03.1996 allotment of Plot No. 20 measuring an extent of 1009 sq.mts at Bharathipuram, Anna Nagar, Chennai, was issued by the Tamil Nadu Slum Clearance Board (presently Tamil Nadu Urban Habitat Development Board) for construction of a pre-school. Since the lay out had not been approved by the competent authority, the Slum Clearance Board cancelled the allotment vide proceeding dated 03.06.1996. The said order came to be challenged by the writ petitioner in W.P.No.7902 of 1996.

6.This Court by its order dated 11.02.2024 quashed the order of cancellation dated 03.06.1996 and directed the writ petitioner to give a



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representation to the Board. Pursuant to the direction, the writ petitioner had submitted a representation which was duly considered. Consequently, a land measuring 510 sq.mtrs was allotted in favour of the writ petitioner on 05.11.2004. The cost of the said plot also determined and the writ petitioner paid the said amount. Thus, the allotment was confirmed on 16.02.2005, a lease deed dated 22.02.2005 was executed between the parties. However, the board refused to execute the sale deed and the said refusal proceedings dated 22.02.2008 was challenged in W.P.No.16615 of 2008. The writ petition was disposed of by issuing certain directions. Accordingly, the writ court directed the board to grant alternative site in any one of the places. Consequently, an alternative site was identified by the Board and land measuring 550 sq.mtrs was allotted in favour of the writ petitioner at Perumbakkam.

7.The contention of the writ petitioner is that the extent of land allotted would be insufficient to establish school since the minimum required land as per the Education Department Rules would be one acre and for matriculation school, it is three acres. Since the land cannot be utilized for construction of pre-school or matriculation school, a request



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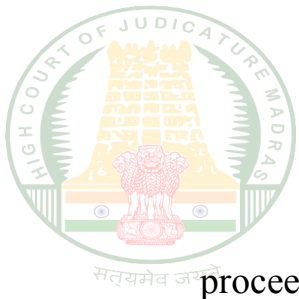
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was made to allot additional lands. The writ Court considered the request of the writ petitioner and directed the board to allot one acre. Thus, the board filed the writ appeal. Since the claim of the writ petitioner is for grant of three acres to establish matriculation school, the writ petitioner also preferred the writ appeal.

8. Heard the parties

9.Fundamentally, this Court found that the allotment of land is an administrative decision to be taken by the Slum Clearance Board. It is the prerogative of the competent authorities to take a decision regarding allotment of lands in accordance with the provisions of the Act and Rules or under the Scheme framed.

10.The High Court, in exercise of the powers of judicial review, may test the process through which a decision has been taken by the competent authorities to ensure that it is in consonance with the Statues and Rules in force. Therefore, any relief directing the Government/Slum Clearance Board to allot a land over and above the land allotted as per the



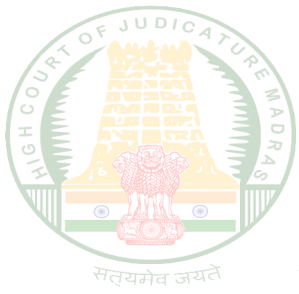
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proceedings which is under challenge, would fall beyond the realm of the powers of judicial review conferred under Article 226 of the constitution of India.

11. In the present case, the original allotment of the year 1996 in favour of the writ petitioner was cancelled. Since layout had not been approved by the competent authority under the Statute, pursuant to the order passed by the writ court in W.P.No.7902/1996, a land measuring an extent of 510 sq.mtrs. was allotted in favour of the writ petitioner. The writ petitioner paid the cost amount as determined by the Board, confirmation was issued, lease deed executed but the board refused to execute the sale deed and the refusal order came to be challenged.

12.It is brought to the notice of this Court that the writ petitioner has mortgaged the land even before transfer of title by the Slum Clearance Board and consequently, the Repco Bank initiated action for recovery of loan amount. However the said reason has been disputed by the writ petitioner.



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13. Be that as it be, the contention raised is that the writ petitioner had availed a loan from the Repco Bank instead of the Bank of Baroda and committed default in repayment of loan, which resulted in action being taken under the relevant provisions of the Act. A criminal case has been registered and the writ petitioner was convicted. The criminal appeal filed by the writ petitioner is now pending.

14. In view of the facts as narrated above, this Court is of the considered view that the request of the writ petitioner for allotment of larger extent of land cannot be considered by this Court in exercise of the powers of judicial review. The land originally allotted in favour of the writ petitioner to an extent of 510 sq.mtrs. had been misused and now, various actions have been initiated which all are pending. Therefore, the claim of the writ petitioner for allotment of three acres of land deserves no merit consideration. As far as the appeal filed by the Slum Clearance Board is concerned, no sale deed was executed and the title has not been transferred in the name of the writ petitioner. Therefore, the writ petitioner has no right either to claim the land allotted already or to seek allotment of larger extent of land for establishing a school.



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15. Accordingly, the writ order dated 11.04.2022 in W.P.No.613 of 2012 is set aside and the writ appeal No.1307 of 2023 stands allowed. Consequentially, writ appeal No.2088 of 223 is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.J) (M.S.Q..J)
17.09.2025

Index : Yes/No
Internet : Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
sms

To

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