



W.A.No.56 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.56 of 2023
and
CMP.Nos.522 & 527 of 2023**

M.Vijayalakshmi

Vs.

Appellant

The Tamil Nadu Housing Board,
Represented by Executive Engineer,
J.J.Nagar Division,
Tirumangalam, Chennai-600 106.

Respondent

PRAYER : The Writ Appeal has been filed under Clause 15 of the Letters patent against the order of this Court dated 20.07.2022 passed in W.P.No.13482 of 2013.

For Appellant

...

Mrs.Y.Kavitha
for Mr.G.Rajesh

For Respondent

...

Mr.D.Veenasekaran
Standing Counsel for TNHB



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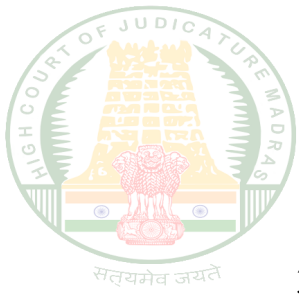
JUDGMENT

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

The writ order dated 20.07.2022 in W.P.No.13482 of 2013 is under challenge in the present writ appeal.

2.The writ petitioner is the appellant. In nutshell, a residential flat was originally allotted in favour of the appellant in the year 1984. However, the appellant had encroached upon the adjacent portion of the land and put up a construction. The Tamil Nadu Housing Board regularized the encroachment subsequently at the request of the encroacher/appellant. The Tamil Nadu Housing Board asked the appellant to pay the cost for such regularization. However, the appellant failed to pay the cost. Thus, the order was cancelled vide proceedings dated 22.04.2013. The said order came to be challenged in the writ petition. The learned Single Judge considered the issues and disposed of the writ petition with a direction to the appellant to pay a sum of Rs.65,60,000/- on or before 14.09.2022. Admittedly, the said amount has not been paid by the appellant, but the present writ appeal is filed.



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3.The learned counsel for the appellant would contend that the respondent ought to have waived the interest and the original claim of the Housing Board was Rs.40,00,000/- which has been subsequently, enhanced. Therefore, the writ order impugned is infirm to an extent regarding enhancement of cost directed to be paid by the appellant.

4.The learned counsel for Housing Board would oppose by stating that the appellant was an encroacher and encroached land was regularised at the request of the appellant. Thus, he is liable to pay cost as per the market value assessment made by the Tamil Nadu Housing Board. The amount fixed by the Housing Board itself is lesser than that of the actual market value of the property which is falling within the Chennai City Limits. It is a commercial property. Therefore, the appellant is not entitled to any further concession.

5.This Court is of the considered view that regularisation of encroachment in the absence of rule, per se would be improper. However, in the present case, the encroachment made by the appellant was regularised and consequently, he was directed to pay the cost of the land



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encroached upon. The appellant failed to pay the cost initially. Thus, the order of regularisation came to be cancelled. The Housing Board demanded a sum of Rs.40,00,000/- initially, which was not paid by the appellant. The writ Court considered the grounds raised by the appellant and directed him to pay a sum of Rs.65,60,000/- which is also not paid by the appellant.

6.This Court is of the considered view that the initial order of regularising the encroachment itself was a concession extended and the cost fixed also not in commensuration with the actual market value of the property but lesser than that of the actual value of the property, which is a commercial property. Therefore, the appellant is not entitled for any further concession or leniency from the hands of this Court. Consequently, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petitions are 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



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The Tamil Nadu Housing Board,
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J.J.Nagar Division,
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