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WP No. 2331 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 09-06-2025**

CORAM

**THE HONOURABLE MR JUSTICE N. ANAND VENKATESH**

**WP No. 2331 of 2024**

1. Tamilnadu Nagarpura Valzhvida

Meampatu Variya Kudiyiruppu Pothu Nala Sangam

Rep By Its Working Committee Member,

No. 9A Block, Ellis Puram Project Ares,

Ellis Puram, Anna Salai

Chennai 600 002

Petitioner(s)

Vs

1. The Managing Director

Tamil Nadu Urban Habitat Development Board,

No.5, Kamarajar Salai, Chepauk,

Chennai 600 005

2.The District Collector

Fourth Floor, M.Singaravelar Maaligai,

62, Rajaji Salai, Chennai, Collectorate

Chennai 600 001

3.The Adiministrative Engineer Division- II

Tamil Nadu Urban Habitat Development Baord

Sub Office Thiruttani-Renigunta Highway Block B

Kalyanapuram, Vyasarpadi, Chennai 600 078

Respondent(s)



**PRAYER**

Call for the impugned notice issued by the Respondent No. 3 dated 09.10.2023 and quash the same and consequently direct the Respondent No.1 to only reconstruct 39 dwelling units in the Ellis puram project area and also direct the Respondents No.1 to enhance the mercy money from Rs 24,000 to 1 lakh to each family.

For Petitioner(s): Mr.V.Prakash, Senior Counsel  
for Mr.Arun Kasi

For Respondent(s): Mr.R.Ramanlal  
Additional Advocate General  
asst. by  
Mr.S.Karthikyan Standing Counsel

**ORDER**

This Writ Petition has been filed by the Tamilnadu Nagarpura Valzhvida Meampatu Variya Kudiyiruppu Pothu Nala Sangam challenging the impugned notice issued by the third respondent dated 09.10.2023 and for consequential direction to the first respondent to reconstruct 39 dwelling units in the Ellis puram project area and also direct the first respondent to enhance ex-gratia payment from Rs.24,000/- to Rs.1,00,000/- for each family.

2. The case of the petitioner Sangam is that there are four blocks, namely A, B, C, and D, each consisting of houses constructed by the Tamil Nadu Housing Board to an extent of 430 sq.ft. Insofar as the petitioner Sangam is concerned, it consists of the owners of blocks A, B and C. After construction, it was handed over to the Slum Clearance Board, and subsequently, the petitioners

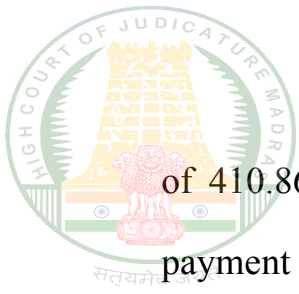


were allotted the houses.

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3. On 05.06.2023, the authorities belonging to the first respondent sent an eviction notice to the occupiers, asking them to vacate the premises before 05.06.2023, and informed them that they are going to demolish the existing 39 houses and they are planning to reconstruct 65 houses. Thereafter, a second eviction notice dated 22.06.2023 was issued, directing the occupiers to vacate the premises on or before 26.06.2023. Representations were sent to respondents 1 to 3, requesting them to cancel the decision to vacate the residents and withdraw the eviction notice. In spite of the representations made by the residents and the members of Sangam, no action has been taken and in the meantime, steps were taken to demolish the property by evicting the occupants. Under these circumstances, the present writ petition came to be filed questioning the eviction notices and seeking for a consequential relief.

4. The respondents 1 to 3 filed a counter affidavit, stating that a technical committee inspected the tenements and found them to be in a dilapidated condition. Hence, a decision was taken to demolish the tenements and to construct 65 units, each with a plinth area of 410 sq.ft. This development was proposed to be done by receiving financial assistance from the Pradhan Mantri Awas Yojana (PMAY) (Urban) Scheme also. In spite of repeated notices issued, the residents were refusing to vacate the property. The Tamil Nadu Urban Habitat Development Board decided to reconstruct the units with a plinth area



of 410.86 sq.ft. each. That apart, they were also proposing to give ex-gratia payment of Rs.24,000/- in order to enable the occupants to look for an alternate accommodation till the construction is over and possession is handed over to them.

5. An additional counter affidavit has also been filed by respondents 1 to 3. A stand has been taken by the respondents to the effect that the building is in a dilapidated condition and it will be a danger for the occupants. That apart, the tender has been given in favour of M/s.Gokula Krishna Construction, and a work order has also been issued. It was further submitted that there is no scope for enhancing the ex-gratia payment and already the time is running, since the project has to be commenced on or before 31.12.2025, failing which, the financial assistance under PMAY Scheme will lapse. That apart, more than 50% of the members have received the ex-gratia payment and also willing to vacate the premises. Based on these grounds, they have sought for the dismissal of the writ petition.

6. Heard Mr.V.Prakash, learned Senior Counsel for Mr.Arun Kasi appearing on behalf of the petitioner and Mr.R.Ramanlal, learned Additional Advocate General assisted by Mr.S.Karthikyan, learned Standing Counsel appearing for the respondents.

7. The main grounds that were urged by the learned Senior Counsel



appearing on behalf of the petitioner are that the academic year has commenced and hence it will be difficult for the occupants to immediately vacate and hand over the premises. Therefore, sufficient time is required. It was further submitted that initially there were 71 tenements in all four blocks but the proposed construction is for only 65 units. That apart, each tenement was 455 sq.ft, however it is now planned to construct at 410.86 sq.ft. Apart from that, the ex-gratia payment of Rs.24,000/- is on the lower side and some enhancement is required, in order to enable the occupants to look for an alternative accommodation.

8. Per contra, the learned Additional Advocate General appearing for the respondents submitted that more than 50% of the occupants have received the ex-gratia payment of Rs. 24,000 and are willing to vacate the property. It was further submitted that roughly the cost payable by each of the occupant for each unit will be Rs.1,50,000/-.

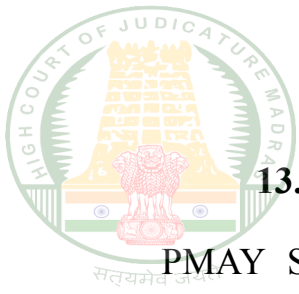
9. The learned Additional Advocate General also produced the original allotment letters that were already made ready. He submitted that the cost is payable by the occupants after the completion of the construction. It was submitted that the tender has also been allotted, and a work order has been given and the work has to be commenced immediately since the PMAY Scheme will lapse on 31.12.2025.



**10.** The learned Additional Advocate General appearing on behalf of the respondents vehemently opposed the grant of any further time, since the case is pending from the year 2024 and there has been absolutely no development in the process of demolition and reconstruction. Accordingly, the learned Additional Advocate General sought for dismissal of this writ petition.

**11.** This Court has carefully considered the submissions made on either side and the materials available on record.

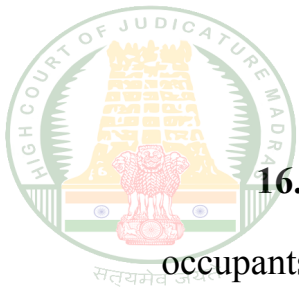
**12.** This Court also sympathetically considered the grievances expressed by the occupants, who all belong to economically weaker section. Insofar as the fixation of the plinth area at 410.86 sq.ft is concerned, this Court cannot interfere with the same and the said plinth area is only slightly lesser than what was given earlier. Insofar as the ex-gratia payment is concerned, there is no question of interfering with the same or enhance it, since many have received the amount and agreed to vacate. That apart, this amount was fixed by issuing a Government order. The next issue regarding the time required for vacating the premises, the writ petition was filed in the year 2024, and the occupants were aware of the fact that at some point of time, they have to vacate the premises and there is no escape from the same. Therefore, they should have made arrangements for alternative accommodation till the demolition and reconstruction takes place.



**13.** Considering the fact that the financial assistance extended under PMAY Scheme is set to lapse on 31.12.2025, granting further time will adversely affect the very project itself. However, on humanitarian grounds, this Court is inclined to finally grant four weeks from tomorrow ( i.e., till 09.07.2025) for the occupants to vacate the property.

**14.** Learned Senior Counsel appearing on behalf of the petitioner submitted that the present occupants seek an assurance regarding costs payable by them and the allotment orders must be given to them and they should not be deprived of the same at a later point of time by citing one reason or another.

**15.** The learned Additional Advocate General produced the original file and it is seen that the allotment orders are made ready for some persons. He further submitted that wherever there is no dispute, the allotment orders will be issued to the occupants. However, in cases of rival claims or where persons seeking allotment were not original allottees, an enquiry will be conducted before issuing the allotment letter. Insofar as the cost payable by the occupants, it has been tentatively ascertained at Rs.1,50,000/-. Hence, the occupants have the assurance of the respondents regarding the reoccupation of the property after completion of the construction and also the cost that is payable by them after completion of the construction. This sufficiently answers the apprehensions raised by the members belonging to the petitioner Sangam.



**16.** In the light of the above discussions, there shall be a direction to the occupants of the tenements to vacate and handover the possession to the respondents before 09.07.2025. If the tenements are not vacated within the time frame fixed by this Court, the respondents are at liberty to take possession of the premises. Thereafter, the respondents shall proceed further to demolish the structure and put up the new structure. The respondents shall keep in mind the assurance given before this Court regarding allotment orders and also the cost payable by the occupants after the completion of the construction. Even as per the scheme, 71 tenements are going to reconstructed, since there are already 71 tenements who all are in occupation of Blocks A, B, C and D.

**17.** With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions, if any, are closed.

**09-06-2025**

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Issue order copy on 11.06.2025.



To  
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1. The Managing Director

Tamil Nadu Urban Habitat Development Board, No.5, Kamarajar Salai,  
Chepauk,  
Chennai 600 005

2.The District Collector

Fourth Floor, M.Singaravelar Maaligai,  
62, Rajaji Salai, Chennai, Collectorate  
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Tamil Nadu Urban Habitat Development Baord  
Sub Office Thiruttani-Renigunta Highway Block B Kalyanapuram, Vyasarpadi,  
Chennai 600 078



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**N.ANAND VENKATESH J.**

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