



W.P.(MD)No.2569 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **31.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.2569 of 2025

and

W.M.P.(MD)No.1813 of 2025

Vishwanathan

... Petitioner

Vs.

The Executive Engineer cum Administrative Officer,
Madurai Housing Unit,
Tamil Nadu Housing Board,
Ellis Nagar,
Madurai – 625016.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the impugned proceedings/eviction order made by the respondent in Letter No.Ni.A/A3/8204/2009 dated 05.12.2024 and No.Ni.A/A3/2009 dated 20.01.2025 and quash the same as illegal.

For Petitioner : Mr.Mahaboob Athiff.M

For Respondent : Mr.R.Sivakumar
Standing Counsel



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ORDER

Mr.R.Sivakumar, learned Standing Counsel takes notice for the respondent. By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2. This Writ Petition has been filed challenging the eviction orders made by the respondent in Letter No.Ni.A/A3/8204/2009 dated 05.12.2024 and in Letter No.Ni.A/a3/2009 dated 20.01.2025 and quash the same as illegal.

3. Heard the learned counsels on either sides and carefully perused the materials available on record.

4. The impugned letters with respect to requiring the petitioner to remove themselves from the subject property in Survey Nos.13/4 to an extent of 1.37 acre, Survey No.225/5 to an extent of 61 cents and Survey No.236/5 to an extent of 5 cents of Madakullam Village, Madurai District. These properties are the subject matter of an erstwhile writ petition filed before this Court in W.P.(MD)Nos.12237 of 2008 and 12210 of 2008, and same was allowed. Challenging the same, the respondent has preferred a writ appeal in



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W.A(MD)Nos.43 of 2016 and 44 of 2016 and the Hon'ble Division Bench of this Court by judgment dated 27.09.2024 held that the subject property belonged to the respondent. Pursuant to the same, the impugned letters came to be issued by the respondent. Challenging the same that no opportunity was given, either by serving notice or an opportunity of hearing, before issuing such a letter, this Writ petition is filed.

5. The learned Counsel appearing for the petitioner submitted that the respondent had issued the said letters without following any of the procedure contemplated under the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 and Section 2 (e) of the above said Act defines the word “public premises” as any premises that belong to, or vest with a local authority or any Board constituted under any law. In the instant case, obviously in terms of the judgment passed by the Hon'ble Division Bench of this Court, the land vested with the respondent Board. Hence, the same could be well defined as “public premises” in the context of Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975. Hence, the respondent ought to have initiated eviction proceedings only as contemplated in the aforesaid Act and having not followed the same, the impugned letters are liable to be quashed.



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6. Per contra, the learned Standing Counsel appearing for the respondent Board vehemently submitted that the question of following the procedure contemplated under the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, does not arise and the steps have already been taken to evict the petitioner only in accordance with Section 84 of the Tamil Nadu State Housing Board Act, 1961. In terms of Section 22 of the above said Act, the Managing Director of the Board is the competent authority with full control over the affairs of the Board and has the power to delegate any of the Board's functions to subordinate officials. Accordingly, the Executive Engineer has already been delegated the responsibility of evicting the petitioner herein and on this basis, eviction proceedings were initiated against the petitioner and the petitioner cannot claim that they should be evicted only as contemplated under the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975.

7. Considering the fact that the principle of natural justice has been violated and the said impugned letter has been issued without following the procedures contemplated under the relevant law, the impugned letters are hereby set aside and remanded back to the respondent Board with a direction to carry out the eviction procedures in the manner contemplated under the relevant



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8. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

31.01.2025

NCC : Yes / No
Index : Yes / No
jbr

TO:-

The Executive Engineer cum Administrative Officer,
Madurai Housing Unit,
Tamil Nadu Housing Board,
Ellis Nagar,
Madurai – 625016.



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L.VICTORIA GOWRI, J.

jbr

Order made in
W.P.(MD)No.2569 of 2025

Dated
31.01.2025