



W.P.(MD)No.3050 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.3050 of 2025

and

W.M.P.(MD)No.2126 of 2025

Selva Pramila

... Petitioner

Vs.

1. State of Tamil Nadu
represented by its Secretary to Government,
Housing and Urban Development Department,
Chennai – 600 009.

2. The Chairman,
Tamil Nadu Housing Board,
Nandanam,
Chennai – 600 035.

3. The Executive Engineer cum Administrative Officer,
Tamil Nadu Housing Board,
Ellis Nagar,
Madurai – 625 016.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the show cause notice issued by the third respondent dated 05.12.2024 and subsequent show cause notice issued dated 20.01.2025 and quash the same as illegal in so far as land with an extent of 7.61 cents in Survey



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No.217/1A2A1, Madakulam Village, Madurai South Taluk, Madurai District
and consequently, direct the respondents to follow the due the process of law.

For Petitioner : Mr.Henri Patrick Tiphange
For R-1 : Mr.D.S.Neduncheliyan
For R-2 & R-3 : Mr.R.Sivakumar
Standing Counsel

ORDER

Mr.D.S.Neduncheliyan, learned Government Advocate takes notice for the first respondent and Mr.R.Sivakumar, learned Standing Counsel takes notice for the respondents 2 and 3. 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 show cause notice issued by the third respondent dated 05.12.2024 and subsequent show cause notice issued dated 20.01.2025 and quash the same as illegal in so far as land with an extent of 7.61 cents in Survey No.217/1A2A1, Madakulam Village, Madurai South Taluk, Madurai District and consequently, direct the respondents to follow the due the process of law.



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

4. The impugned letters is with respect to requiring the petitioner to remove himself from the subject property in Survey No. 217/1A2A1 to an extent of 7.61 cents, of Madakullam Village, Madurai District. The said property is the subject matter of an erstwhile writ petition filed before this Court in W.P.(MD)No.539 of 2010, and same was allowed. Challenging the same, the respondent has preferred a writ appeal in W.A(MD)No.42 of 2016 and the same was allowed stating that the subject property belonged to the respondent. Pursuant to the same, the impugned letters came to be issued by the third 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 third 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



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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 is 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 respondents 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.

6. Per contra, the learned Standing Counsel appearing for the respondents 2 and 3, 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



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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. He further submitted that the petitioner has no *locus standi* to resist the eviction, as he is not even the original purchaser but merely a subsequent purchaser.

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 law.

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
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L.VICTORIA GOWRI, J.

jbr

TO:-

1. The Secretary to Government,
Housing and Urban Development Department,
Chennai – 600 009.

2. The Chairman,
Tamil Nadu Housing Board,
Nandanam,
Chennai – 600 035.

3. The Executive Engineer cum Administrative Officer,
Tamil Nadu Housing Board,
Ellis Nagar,
Madurai – 625 016.

Order made in
W.P.(MD)No.3050 of 2025

Dated
31.01.2025