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W.P.No.12401 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

W.P.No.12401 of 2026

Malar Colony Flat Owners Welfare Association
Rep. by its President Rejasekaran,
S/o. Late S. Manivelu, No.414E,
Malar Colony, 19th Main Road,
Anna Nagar/West, Chennai-600 040

...Petitioner(s)

Vs

1. The Joint Secretary to Government
Housing and Urban Development
LA II(2) Department, Fort St. George,
Chennai-600 009
2. The Chairman & Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-600 0035
3. The Executive Engineer & Administrative
Officer, Anna Nagar Division,
Tamil Nadu Housing Board,
Chennai-600 040
4. The District Collector
Officer of Collectorate, Chennai-600 001



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5. The Tahsildar, Purasawalkam
Perumbur Taluk, Chennai-600 011

...Respondent(s)

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus to direct the 2nd and 4th respondents to dispose of the petitioner's representation dated 25.3.2025.

For Petitioner(s): Mr.R.Karunakaran

For Respondent(s): Mr.T.M.Rajangam,
GA for R1, R4 & R5

Mr.D.Veerasekaran,
Standing Counsel for R2 & R3

ORDER

This is a petition filed by the petitioner seeking to issue a direction to respondents 2 to 4 to consider their representation dated 25.3.2025.

2. Heard the learned counsel for the petitioner, the learned Government Advocate accepting notice for respondents 1, 4 and 5 and the learned Standing Counsel accepting notice for respondents 2 and 3.



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3. The case of the petitioner is as follows:

(i) The Tamil Nadu Housing Board (TNHB) namely the second respondent, through the third respondent, gave an advertisement in the newspapers for sale of high income group, A, B and C type flats at Navalar Nagar, Anna Nagar West, Chennai-40. By drawal of lot, after scrutiny, the applicants were allotted flats and possession of the respective flats were also handed over to the owners. All the owners joined and formed the petitioner association and it was assigned Registration No. 28/1992.

(ii) The flats were constructed by the TNHB after securing the approval from the Chennai Metropolitan Development Authority. Further, the sale deeds were registered and handed over to the respective owners and the undivided share of the land reckoned only acre 2.84 cents instead of acre 3.01 cents as per the original orientation scheme due to encroachment of acre 0.17 cents.

(iii) Later, the petitioner association took steps to remove the illegal encroachments by filing W.P.No.38147 of 2003 before this Court against



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the respondents, in which, this Court passed an order dated 06.12.2004 directing the fourth respondent to take steps to evict the unauthorized occupants in the concerned area within a stipulated time under the Land Encroachment Act, 1905, to convey the land in favour of the TNHB and thereafter, directed the TNHB to alienate the proportionate land to the allottees within a stipulated time.

(iv) Subsequently, three of the encroachers filed W.P.Nos.10644, 10672 and 10745 of 2005 before this Court seeking a direction to respondents 4 and 5 to issue patta to them on the basis of the land survey and revenue records already issued to them in recognition of their respective possession. These writ petitions were dismissed by a common order dated 31.3.2005 based on the order dated 06.12.2004 in W.P.No. 38147 of 2003.

(v) Challenging the said common order dated 31.3.2005, two of the encroachers filed W.A.Nos.959 & 960 of 2005. The said writ appeals were disposed of by a common judgment dated 09.1.2007 by a Division Bench of this Court making it clear that if the property in question was a Government land (poramboke land), respondents 4 and 5 would have to



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follow the provisions of the Land Encroachment Act, 1905 and that if the encroachers claimed that the land belonged to them, it was for them to establish the same in a manner known to law.

(vi) In spite of the above orders passed by this Court, the encroachers are continuing to occupy the land measuring 17 cents. The petitioner also filed Contempt Petition No.751 of 2007 before the Division Bench of this Court alleging non compliance of the judgment of this Court dated 09.1.2007 in W.A.No.959 of 2005. The said contempt petition was closed on 05.10.2007 on the ground that the learned Special Government Pleader produced a letter dated 24.9.2007 issued by the fifth respondent to the effect that the judgment dated 09.1.2007 made in W.A. Nos.959 & 960 of 2007 had been complied with and that the encroachment was removed.

(vii) The members of the petitioner association alone are in absolute possession and enjoyment of the subject lands namely 17 cents. But, the alienation to the extent of 17 cents is yet to be done in favour of the members of the petitioner association. Despite giving several representations, there was no positive reaction on the part of the



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respondents. The last of such representations is dated 25.3.2025 given to the third respondent and the Chief Engineer (City) of the TNHB.

4. In the considered view of this Court, though the members of the petitioner association succeeded even in the year 2004, they are yet to get the rectification deeds executed in their favour in respect of the remaining 17 cents of land. Until the alienation is made in their favour, the flat owners cannot enjoy their proportionate undivided share over the lands. Further, more than one year passed from the date of last of such representations. Hence, it is proper to consider the said representation by the appropriate authorities.

5. Accordingly, the writ petition is disposed of with a direction to the petitioner association to send a copy of the said representation dated 25.3.2025 to respondents 1 to 3 within two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents 1 to 3 shall consider the same and pass appropriate orders based on the earlier orders passed by this Court within a period of four weeks



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therefrom. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RLI

To

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M.DHANDAPANI, J.

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