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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM**AND****THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

W.P.Nos.21884, 21686 to 21692 of 2018,
W.M.P.Nos.25431 to 25444, 25681 and 25682 of 2018

W.P.No.21884 of 2018

Sundari

... Petitioner

-VS-

1. The Tamil Nadu Slum Clearance Board,
Rep by its Principal Secretary to Government /
Managing Director,
Kamaraj Salai, Chennai – 5.
2. The Estate Officer,
Estate Officer III, Tamil Nadu Slum Clearance
Board, Chennai – 600 040

..Respondents

Prayer: Calling for records pertaining to the impugned order passed by the 1st respondent bearing Letter No.Se.Mu.En.E3/13031/2015, order dated 14.02.2018 and to quash the same and consequently direct the respondent to issue sale deed in favour of the petitioner for Plot No.296 and 297 in S.No.866/9 Part, 40/37, Bharathiyar Street, Thanthai Periyar Nagar, Thirumullaivoyal, Chennai 62.

For Petitioners:

Mr.V.Govardhanan (in all)

For Respondents:

Mr.B.Balaji,
Standing Counsel (in all)

**COMMON ORDER**

(Order of the Court was made by S.M.Subramaniam,J.)

Writ Petitions have been instituted, challenging the orders dated 14.02.2018, whereby Petitioners' claim to execute sale deeds in respect of larger extent of plots, in addition to plots already allotted in their favour, was rejected by the erstwhile Tamil Nadu Slum Clearance Board and presently, Tamil Nadu Urban Habitat Development Board (in short 'Board'), by way of common order.

2. In all these writ petitions, since common issue is involved, they are taken up together and disposed of by this common order. For the sake of convenience, facts are being taken from W.P.No.21884 of 2018 in respect of New Plot No.297.

3. The Tabular Column furnished by the Board in respect of allotted plots to individual petitioners is extracted hereunder:

W.P.No.	Name of the Allottees	New Plot No.	Plot (sq.mtr)	Plot (sq.ft.)	Name of the Scheme
21884/2018	Sundari	297	130.0	1399	Thanthai Periyar Nagar
21686/2018	C.Ethirajalu	262	116.50	1253	Thanthai Periyar Nagar
21687/2018	S.Ravichandran	230	115.77	1246	Annai Sathya Nagar
21688/2018	S.Nazar	421	115.0	1237	New Anna Nagar
21689/2018	M.J.Sekar	261	106.9	1151	New Anna Nagar
21690/2018	M.J.Janakiraman	260	111.9	1204	New Anna Nagar
21691/2018	M.J.Baskar	258	111	1194	New Anna Nagar
21692/2018	Karpoorammal	42	80.99	871	New Anna Nagar



4. Facts in brief as averred in W.P.No.21884 of 2018 would show that the entire land originally belonged to Revenue Department of Government of Tamil Nadu and it was classified as "Eri Poramboke". Since large scale encroachments were made by Slum Dwellers, Government had introduced a project, namely, Madras Urban Development Project and taken a decision to allot their occupied portion of the land under 'as is where is condition' to houseless persons, instead of dislocating them in the slum area and consequently, sale deeds were also executed;

4.1. The claim of petitioner is that she was in occupation of larger extent of area. Therefore, she is entitled for the remaining portion of the land and sale deed has to be executed in respect of the balance land.

5. Mr.V.Govardhanan, learned counsel for the petitioners would mainly contend that insofar as the petitioner in W.P.No.21884 of 2018, namely, Sundari is concerned, originally she was in occupation of Old Plot No.169 measuring 2400 sq.ft. and the said plot was divided as two plots and new Plot Nos.296 and 297 were allotted. Allotment was granted in respect of Plot No.297 and no patta was granted in respect of Plot No.296. Therefore, the petitioner submitted an application to allot and execute a sale deed for Plot No.296. Since the claim of petitioner was rejected vide impugned order dated 14.02.2018, the petitioner has instituted W.P.No.21884 of 2018.



5.1. Mr.V.Govardhanan, learned counsel would further contend that Plot No.169 has to be treated as a single plot. The petitioner was in occupation of the said plot and it cannot be subdivided by the authorities. The Sub-Division *per se* is unacceptable. Therefore, allotment ought to have been made in respect of the entire extent of land in Old Plot No.169 and thus, the rejection order is liable to be interfered with.

6. Mr.B.Balaji, learned Standing Counsel for the Board would oppose, by stating that petitioners herein are encroachers and they had encroached upon lands belonging to Revenue Department. The Government took a policy decision to allot the said land to encroachers to the extent they occupied and therefore, they cannot claim larger extent of land as a matter of right. In the present case, actual occupation was taken into consideration during preparation of enumeration list and accordingly, revised new Plot No.297 was allotted in favour of the petitioner in W.P.No.21884 of 2018 and in respect of other portion of the land, it was not allotted. Insofar as the Board is concerned, her possession has been construed as an encroachment. He would contend that allotment order was issued and after receipt of sale deed, beneficiary has to register the sale deed before the jurisdictional Sub-Registrar by following due procedures.

7. This Court has considered the arguments as advanced between the parties.



8. Admittedly, the land belongs to Revenue Department of Government of Tamil Nadu and large scale encroachments were made by slum dwellers. The Government considered the situation and with a view to protect the livelihood of landless poor people, had taken a decision to allot Government land under 'as is where is condition' to occupiers by framing a Scheme, namely, Tamil Nadu Urban Development Project. Enumeration list was prepared by Tamil Nadu Urban Habitat Development Board with the assistance of Revenue Department. During enumeration, the authorities conducted survey and identified the extent of land occupied by the respective slum dwellers / encroachers. Accordingly, revised Plot Numbers were given and allotments were made to the respective encroachers and sale deeds were also executed by Tamil Nadu Urban Habitat Development Board.

9. The subject lands situated in the heart of Chennai City and are highly valuable. Excess lands cannot be allotted, as it would result in unjust gain to the encroachers. The Scheme is to protect the livelihood of landless poor people and therefore, any excess land available will be allotted to other landless poor people and it cannot be allotted to encroachers, who have already secured allotment and sale deed executed.

10. The allotment of land and execution of sale deed in respect of the Government land made in favour of encroachers is a concession and to



protect the livelihood of landless poor people. Therefore, no one can seek excess land over and above the allotment made in pursuance of the enumeration conducted by Revenue Department along with Tamil Nadu Urban Habitat Development Board. All these enumerations and allotments were made long before. Writ Petitioners submitted applications, seeking allotment of excess lands in addition to the allotment in respect of New Plot Nos.297, 262, 230, 421, 261, 260, 258 and 42, to which sale deeds were already executed. However, it is not in dispute that New Plot Nos.297, 262, 230, 421, 261, 260, 258 and 42 were allotted in favour of petitioners. In view of the fact that petitioners, who have encroached upon Government land and already secured New Plot Nos.297, 262, 230, 421, 261, 260, 258 and 42, cannot seek further allotment at concessional rates. Therefore, the order of rejection made by the Board is in consonance with the Scheme and established principles of law. This Court does not find any infirmity or perversity in respect of the reason given in the impugned order.

Accordingly, all these Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

(S.M.S.,J.) (C.K.,J.)
25-02-2026

Index: Yes
Speaking order
Neutral Citation: Yes
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To:

1. The Principal Secretary / Managing Director,
Tamil Nadu Slum Clearance Board,
Kamaraj Salai, Chennai – 600 005.
2. The Estate Officer,
Estate Officer III,
Tamil Nadu Slum Clearance Board,
Chennai – 600 040.

Note: Registry to type all cause title





WEB COPY

W.P.Nos.21884 and 21686 to 21692 of 2



S.M.SUBRAMANIAM,J.
AND
C.KUMARAPPAN,J.
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