



WEB COPY

WP No. 18119 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MRS.JUSTICE N. MALA

WP No. 18119 of 2026

1. Lakshmanan
2. R. Kumar
3. S. Uma
4. V. Shokammal,
5. P. Rajeswari
6. R. Babu
7. R. Usha
8. P. Kumari
9. Karthiyaini
- 10.S. Mohan
- 11.G. Lalitha
- 12.Narala Rambabu
- 13.S. Kala
- 14.A. Muniyammal
- 15.K. Sarala
- 16.Balaraman



17.T. Venkatesan

18.Mahadevan

19.Kotti

20.Kaviya

21.Ellappan

22.Appaaraao

23.A. Kala

24.S. Prema

25.Kumerasan

26.R. Muniyammal

27.Murugesan Nadar

28.R. Arumugam,

29.Vijaya

30.Chinnadurai

31.Karthikeyan

32.Nathiya

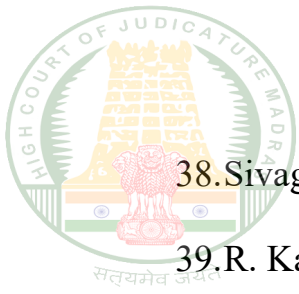
33.Mallika

34.C. Kumar

35.R. Savithri

36.J. Sathyavathi

37.N. Gopalan



38.Sivagami

39.R. Kamatchi

40.K. Saraswathi

41.M. Mohan

42.C. Rebecca

43.R. Raman

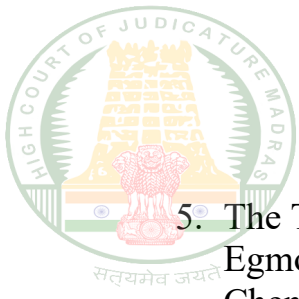
44.A. Manikandan

45.Kanaga

..Petitioner(s)

Vs

1. The State of Tamilnadu
represented by
Secretary to government,
Housing and Urban Development Department,
Government of Tamilnadu
Secretariat, Chennai 600 009.
2. The Chairman,
Tamilnadu Slum Clearance Board,
Kamarajar Salai,
Chennai-600 005.
3. The Commissioner
Corporation of Chennai,
Ripon Building,
Chennai- 600 003.
4. The District Collector
Chennai Collectorate
Singaravelan Maligai,
Chennai.



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5. The Tahsildar
Egmore Taluk,
Chennai

..Respondent(s)

PRAYER : For mandamus, to forbear the respondents from initiating any proceedings against the petitioners based on the order passed by this honourable court in connection with the writ petition in W.P No.20414/2018, except following the principles and provisions governed under the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971, by way of duly serving notice on the petitioners.

For Petitioner(s): Mr.S.Kingston Jerold

For Respondent(s): Mr.K.Sivakollappan,
Govt Advocate, for R1,R4,R5

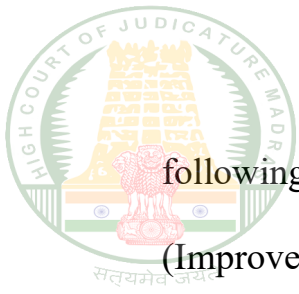
Mr. S.Karthikeyan,
Standing Counsel for R2

Mr.D.B.R.Prabhu,
Standing Counsel for R3

ORDER

(Order of the Court was made by Dr.G.Jayachandran J.)

The petitioners, 45 in number, claiming that they are dwellers in an area notified as 'slum' and apprehending that they are likely to be evicted based on the order passed by this Court in W.P.No.20414 of 2018, have sought for issuance of a mandamus, directing the authorities not to evict them without



following the governing provisions under the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971.

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2. The sum and substance of this writ petition is that a portion of Rangarajapuram in Kodambakkam, which is in the heart of Chennai city, was notified as a slum area as early as 1971. By efflux of time, though concrete buildings have come up in that area, the notification of that area as slum has not yet been de-notified. One K.Mohammed Ansar and another Mukhar Hathu had filed a writ petition vide W.P.No.20414 of 2018 before this Court, seeking a mandamus to remove the unauthorised encroachments of hut dwellers and restore 50' road lying between Vathiyar Thottam on the West, Sher Khan Garden on the East, Arya Gowda road on the South and Director's Colony 4th Main Road on Rangarajapuram on the North. This encroachment sought to be cleared falls away from the area notified as slum and also includes to some extent the properties of individuals holding title documents. Considering the facts, a Division Bench of this Court disposed of the said Writ Petition No.20414 of 2018 with the following observations :

“7. Once the area has been declared as -slum area- under Section 3 of the Act, then the Slum Clearance Board has duty to follow the further procedures as contemplated under the Act. After such declaration, no person shall erect any building in the slum area, except with prior permission in writing of the prescribed Authority.



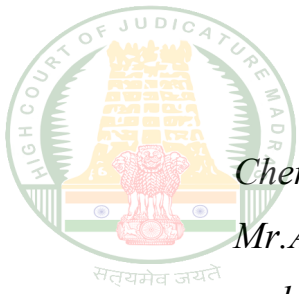
8. *In the present case, such permission was not granted by the prescribed Authority, as contemplated under the Act. However, large scale encroachments are made, depriving the private landowners to have free access to public roads.*

9. *Irresponsible act on the part of the Slum Clearance Board and the Competent Authority, under the provisions of the Act, is to be deprecated. The Authorities Competent, after notification of slum area, under the Act, shall develop the area in accordance with the Act, or de~notify the same and handover the lands to the original landowners.*

10. *Contrarily, these Authorities cannot permit the encroachers to put up unauthorised constructions in the notified area under the Act. It is a serious lapse on the part of Slum Clearance Board and the Chennai Corporation, who in turn failed to initiate appropriate action to maintain public roads, health and sanitation for the people, who all are residing in the slum area.*

11. *The very purpose and object of the Act, is to ensure that public safety, health etc., are to be maintained. On account of lapses on the part of the Slum Clearance Board and the Chennai Corporation, several greedy men encroached upon slum notified area. Therefore, this Court is of the opinion that all appropriate actions are to be initiated.*

12. *In this context, (1) The Principal Secretary to Government, Housing and Urban Development Department, Fort St. George, Chennai~600 009 and (2) The District Collector, Chennai District,*



Chennai, are suo motu impleaded as respondents 4 and 5. Mr.A.Selvendran, learned Special Government Pleader takes notice on behalf of the impleaded respondents 4 and 5.

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13. In view of the facts and circumstances, the respondents are directed to initiate all appropriate actions either to de~notify the slum area under the provisions of the Act or to develop the area under the Act. However, the road portions are concerned, it is to be protected for the benefit of the people of that locality. Thus, the existing roads in that locality, are directed to be resumed by removing all the road encroachments by following the procedures as contemplated under the relevant Statutes and the Rules in force.

14. It is needless to state that unauthorised constructions on the roads are directed to be removed by following the procedures. If any bogus documents or fraudulent revenue records are identified by the Competent Authorities, all appropriate actions are to be initiated to prosecute the persons, who have produced such fraudulent revenue records and bogus documents.

15. In this regard, the Competent Authorities of the Chennai Corporation, Revenue Department and Slum Clearance Board, are directed to have joint action to remove the encroachers from the road, so as to provide free access to the public road to all persons, who all are residing in that locality and to the people at large. The entire exercise is directed to be completed within a period of four months from the date of receipt of a copy of this order.”

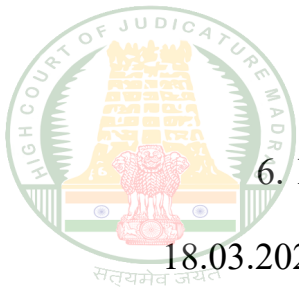


Though the said order was passed on 18.03.2024, the authorities have not carried out the directions in letter and spirit, which invited filing of a contempt petition. Pending said contempt petition, the present writ petition has been filed by the residents in the alleged encroached portion.

3. Learned counsel for the petitioners submits that for decades the petitioners have been peacefully residing in the area and, therefore, they should not be evicted and, if they are to be evicted, eviction process must be in compliance with the provisions of the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971.

4. Learned counsel for Tamil Nadu Slum Clearance Board submitted that a survey has already been conducted and the portions encroached by the occupants and the portions of patta/private properties have already been identified. He also submitted that soon after evicting the dwellers from the encroached portions and keeping the area free from encumbrance, the encroachers identified during enumeration will be provided with the remedy as contemplated under the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971.

5. Learned Government Advocate, appearing for the State, circulated the entire file in connection with the departmental communication regarding the progress in identifying the encroachers and the eviction process in obedience to the order passed by this Court in W.P.No.20414 of 2018.



6. From the order of this Court passed in W.P.No.20414 of 2018, dated 18.03.2024, we find that there is a specific direction to restore the road portion by removing all the encroachments and even if there is any unauthorised construction in the notified area, the same has to be removed.

7. Therefore, any interference in the said order will naturally disturb the progress in evicting the encroachments. Hence, we are not inclined to entertain the interim relief sought by the petitioners herein. In so far as their right to be rehabilitated, if they are in occupation of a notified slum, we make it clear that those petitioners, who come under the definition of 'slum dwellers' and are subjected to eviction, shall be given all legal protections as contemplated under the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971. Hence, all eviction process shall be in consonance and compliance with the provisions of law.

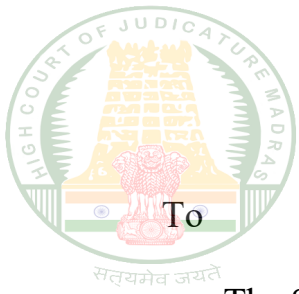
8. With the above observations, this Writ Petition stands disposed of. No costs. Consequently, the connected W.M.P.No.19488 of 2026 is closed.

(G.J.,J.) (N.M.,J.)
05-06-2026

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

DIXIT



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To

The State of Tamilnadu
represented by
Secretary to government,
Housing and Urban Development Department,
Government of Tamilnadu
Secretariat, Chennai 600 009.

The Chairman,
Tamilnadu Slum Clearance Board,
Kamarajar Salai,
Chennai-600 005.

The Commissioner
Corporation of Chennai,
Ripon Building,
Chennai- 600 003.

The District Collector
Chennai Collectorate
Singaravelan Maligai,
Chennai.

The Tahsildar
Egmore Taluk,
Chennai

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**DR.G.JAYACHANDRAN, J.
AND
N.MALA, J.**

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