

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2026

CORAM :

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.Nos.35995 & 36295 of 2023

and

W.P.Nos.16788 & 24107 of 2024

and

W.M.P.Nos.35979, 36277 & 36278 of 2023
& W.M.P.Nos.18453, 18454 & 26360 of 2024

W.P.No.35995 of 2023

Pennurimai Iyakkam
through its Secretary,
No.39, Dr.Alagappa Road,
Purasawalkkam,
Chennai – 600 084

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai, Chepauk,
Chennai – 600 005.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Rajah Muthaiah Road,
Chennai – 600 003.
3. The District Collector,
Rajaji Salai Fourth Floor,
62, Beach Road, George Town,
Chennai – 600 001.
4. The Administrative Engineer,
Tamil Nadu Urban Habitat Development Board,



Division-4, Teynampet, Chennai -600 018.

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the impugned notice issued by respondent No.4 dated 15.12.2023 and quash the same and consequently direct respondent Nos.1 to 3 to implement the order of this Court in W.P.No.32417 of 2014 dated 20.09.2022 to construct the dwelling units in the Gengai Karaipuram slum area and also direct the respondent No.1 to provide the alternate place till the time of construction of the houses at 110/6, Gengai Karaipuram as per the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971

For Petitioner : Mr.V.Prakash, Senior Counsel
for Mr.Arun Kasi

For Respondents : Mrs.G.Thilagavathy, Senior Counsel
assisted by
Mr.B.Balaji, Standing Counsel
for TNUHDB for R1 & R4
Mr.A.Arun Babu,
Standing Counsel for GCC for R2
Mr.T.Arunkumar,
Addl.G.P. for R3

W.P.No.36295 of 2023

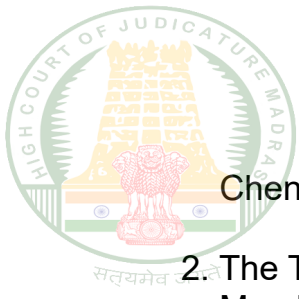
Mr.J.Rajendar,
S/o D.Jayaraman

... Petitioner

Vs.

1. The Government of Tamil Nadu,
represented by its Secretary to Government,
Department of Revenue,
Fort St.George, Secretariat,

2/18



Chennai – 600 009.

2. The Tahsildar,
Mambalam Guindy Taluk,
Chennai – 600 078

3. Tamil Nadu Slum Clearance Board,
represented by its Executive Engineer,
Division-4, Teynampet,
Chennai – 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records with respect to the impugned unsigned notice dated 18.12.2023 issue by the 3rd respondent and quash the same and direct the respondents in particular the 3rd respondent not to intervene and disturb the peaceful possession of the petitioners herein in the subject property situated at No.2&3, Prakasham Mudali street(hut), T.Nagar, Chennai – 600 017 comprised in T.S.No.4828/3 Part in block No.110 of T.Nagar village in an extent measuring about 840 sq.ft.

For Petitioner : Mr.A.Vikash

For Respondents : Mr.T.Arunkumar,
Addl.G.P. for R1 and R2
Mr.G.Thilagavathy, Senior Counsel
assisted by
Mr.B.Balaji, Standing Counsel
for TNUHDB for R3

W.P.No.16788 of 2024

1. R.Mala
2. M.Alaiayammal
3. R.Usha Rani

3/18



4. J.Tamil selvi
5. K.Dhana Lakshmi
6. Jagadeeswaran
7. P.banu
8. P.Vandhana

... Petitioners

Vs.

1. The Managing Director,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai, Chepauk,
Chennai – 600 009.

2. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Rajah Muthaiah road,
Chennai – 600 003.

3. The Administrative Engineer,
Tamil Nadu Urban Habitat Development Board,
Division-4, Teynampet,
Chennai – 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the impugned notice issued by respondent No.3 dated 18.06.2024 and quash the same and consequently direct the respondent No.1 to stop the scheduled eviction drive at Prakasam Street, Gangaikaripuram Slum area and allot them the houses in the Badrikari project area and also direct the respondent No.1 to provide the alternate accommodation till the time of construction of the houses at Prakasam Street, Badrikarai, T.Nagar, Chennai as per the Tamil Nadu Slum Areas (Improvement and Clearance) act, 1971

For Petitioner : Mr.V.Prakash,Senior Counsel
for Mr.Arunkasi

For Respondents : Mrs.G.Thilagavathy, Senior Counsel



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assisted by
Mr.B.Balaji, Standing Counsel
for TNUHDB for R1 & R3
Mr.A.Arun Babu,
Standing Counsel for GCC for R2

W.P.No.24107 of 2024

M/s. Gangai Kudiruppor Pothu Nala Sangam,
V.Nagar, represented by its President,
O.Dakshinamurthy,
No.X-13, Prakasam Street,
Gangaikaraipuram,
C-Block, T.Nagar,
Chennai – 600 017.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
represented by its Secretary,
Department of Housing and Urban Development,
Fort St.George,
Chennai – 600 009
2. The Chairman,
Tamil Nadu Slum Clearance Board,
Chennai – 600 005.
3. The Tahsildar,
Mambalam Guindy Taluk,
Bharathidasan Road,
West Jafferkhanpet,
Chennai – 83
4. Tamil Nadu Urban Habitat Development Board,
Badrikarai Scheme Residents Welfare Association,
represented by its President, K.Murugan,
S/o Kannan,
No.14, B Block, Prakasam Street,
Gangaikaraipuram, T.Nagar,
Nungambakkam, Chennai – 600 034.

(R-4 Intervenor as per order dt.01.04.2025
in WMP.No.43315/2024 in
W.P.No.24107/2024 by MSJ & KGTJ)

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the impugned notice dated 18.06.2024 issued by the Administrative Engineer, Block-4, of the 2nd respondent and quash the same and consequentially direct the respondents to consider the judgment and decree passed by the Hon'ble XVII Asst.City Civil Court in O.S.No.8702/1981 to 8705/1981, 8707/1981, 8708/1981, 9011/1981, 9012/1981, 9013/1981, 9015/1981 dated 28.01.1985 and 02.03.1985 passed in favour of the family members of the petitioners association in accordance with law to provide in-site accommodation to the members of the Association in the same place.

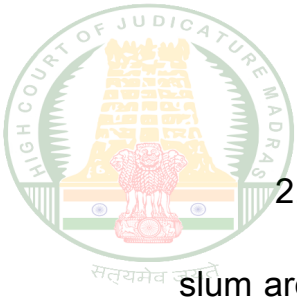
For Petitioner : Mr.B.Dinesh Kumar

For Respondents : Mr.T.Arunkumar,
Addl.G.P. for R1 and R3
Mr.G.Thilagavathy, Senior Counsel
assisted by
Mr.B.Balaji, Standing Counsel
for TNUHDB for R2
Mr.N.D.Sivakumaran for R4

COMMON ORDER

S.M.SUBRAMANIAM,J.

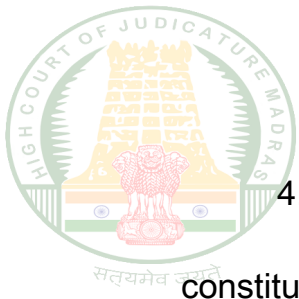
Notice of eviction issued to the encroachers are sought to be assailed in the present writ petitions.



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2. The petitioners would mainly contend that they are in occupation of slum area for a considerable length of time and their rights accrued cannot be taken away by the Slum Clearance Board, presently renamed as 'Tamil Nadu Urban Habitat Development Board' for the purpose of demolition and reconstruction of the existing building.

3. The learned Senior Counsel Mr.V.Prakash, appearing on behalf of some of the petitioners would contend that the procedures as contemplated under the provisions of the Tamil Nadu Slum Areas (Improvement and Clearance) Act 1971 has not been followed. Notification as required under Section 11 of the Act has not been complied with. Therefore, the proposal for demolition and reconstruction is in violation of the provisions of the Act. In the absence of specific declaration under the Act, the eviction notice issued is unsustainable. That apart, there is no assurance that after demolition and reconstruction, the writ petitioners will be accommodated in the same place. In the absence of any such assurance, the petitioners, if dislocated, would affect their livelihood. Thus, the present writ petitions are to be considered.



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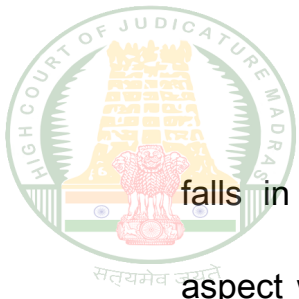
4. The learned senior counsel would rely upon the judgement of the constitutional Bench of the Hon'ble Supreme Court of India in the case of ***Olga Tellis vs Bombay Municipal Corporation*** reported in **1985 (3)**

SCC 545 and para 37 reads as under:

37. Two conclusions emerge from this discussion: one, that the right to life which is conferred by Article 21 includes the right to livelihood and two, that it is established that if the petitioners are evicted from their dwellings, they will be deprived of their livelihood. But the Constitution does not put an absolute embargo on the deprivation of life or personal liberty. By Article 21, such deprivation has to be according to procedure established by law. In the instant case, the law which allows the deprivation of the right conferred by Article 21 is the Bombay Municipal Corporation Act, 1888, the relevant provisions of which are contained in Sections 312(1), 313(1)(a) and 314. These sections which occur in Chapter XI entitled 'Regulation of Streets' read thus :...

5. It is contended that the subject location is a notified slum area and therefore, any clearance must be notified. Thus, the action for eviction of slum dwellers are invalid.

6. The learned counsel Mr.B.Dinesh Kumar appearing for the petitionr in W.P.No.24107 of 2024 would contend that the subject property



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falls in two Taluks, namely Mambalam Taluk and Egmore Taluk. This aspect was not considered by the respondents. That apart, the land does not belong to Tamil Nadu Urban Habitant Development Board and it belongs to Madras Metropolitan Water Supply and Sewerage Board. The land is classified as "Government poromboke". The petitioners are in occupation for long years. Therefore, the eviction proceedings initiated are to be held as invalid.

7. The learned counsel Mr.N.D.Sivakumaran appearing for interveners would submit that they are the original allottees by the Tamil Nadu Urban Habitat Development Board. As far as those allottees are concerned, Board has given necessary document for their accommodation in the proposed new construction to be developed in the very same location. 144 and 176 allottees respectively are the original allottees and they are presently residing outside, awaiting the projects to be completed for their re-occupation. The writ petitions are encroachers, encroached upon the land in and around the Slum Clearance Building. They are attempting to secure allotment by filing writ petitions and initiating action to stall the project of demolition and reconstruction of the building. Therefore,



these writ petitions are to be rejected.

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8. The learned senior counsel, Mrs.Thilagavathi, appearing on behalf of the Tamil Nadu Urban Habitat Board would reply by stating that the petitioners are not allottees. They are encroachers. The petitioners have encroached upon the land and put up construction in and around the Slum Clearance Board and in the vacant lands left for the benefit of the slum dwellers in that area. Therefore, these encroachers have no right to question the decision of the Board. The eligible encroachers are identified and alternate accommodations have been granted pursuant to the directions issued by this Court on earlier occasions. The learned Senior counsel would reiterate that eligible encroachers were identified and alternate accommodations are provided in the available project. Therefore, they cannot claim any further relief in respect of the project which is proposed to be constructed in the subject property and the writ petitions are liable to be rejected.

9. Under the Tamil Nadu Slum Areas Improvement and Clearance Act 1971, the Board is to provide for removal of unhygienic and insanitary



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conditions prevailing in slums for better accommodation and improved living conditions for slum dwellers for the promotion of public health generally and for the purpose of developing slum area, redeveloping of slum clearance of rehabilitating slum dwellers.

10. The Board engaged in rehabilitation and resettlement of urban poor families, living in objectionable land area and project affected families. The beneficiaries list finalised by the land owning department, local body line Corporation of Greater Chennai in the present case.

11. In order to achieve the slum free cities, the Board is implementing various Schemes under “Pradhan Mantri Awas Yojana to provide houses for family in dense slums and other objectionable lands under the funding pattern of both Central and State Government fund with beneficiary contribution. Board has to provide alternate accommodation to the eligible enumerated list of the benefites families under the resettlement and rehabilitation benefit.

12. The Board has reiterated by stating that in recent days, it has



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become trend that the encroachers who have been occupying various lands after receiving allotment order for the tenement from the Board or either renting out or selling to the third party and then moving to the next land and occupying the place and seeking alternate accommodation as a matter of right, which should be denied and in the present case also, it happened.

13. In the context of the above factors, this Court is of the considered view that no doubt the constitutional Courts, time and again reiterated that livelihood of slum dwellers are to be protected. But any abuse or misuse of public lands by any citizen, at no circumstances, be encouraged by the Courts. The rights of the slum dwellers are protected under the Act and in that context, the issue raised in the present writ petitions are to be considered.

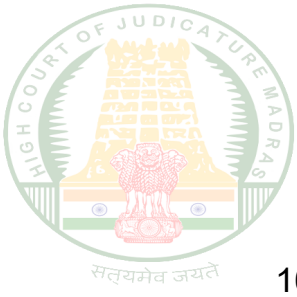
14. The persons who filed intervening petition would contend that they are the original allottees numbering 144 and 176 respectively and they have vacated the old dilapidated building enabling the Board to demolish and reconstruct new building for their accommodation. The Board also issued certificate to those allottees for their re-accommodation in the project



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which is proposed to be constructed in subject land along with the excreta of payment to meet out the expenditures during the intervening period when the construction is in progress. Such welfare measures were already taken by the Government and the Board to protect the livelihood of the allottee slum dwellers. Already the Government has issued necessary certificates to allottees numbering 144 and 176 and those original allottees are to be accommodated in the proposed new construction to be made in the subject land.

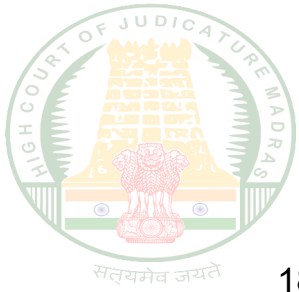
15. As far as the writ petitioners are concerned, they are encroachers occupying the border area in the Slum Clearance Board land. Therefore, they have no right to claim any allotment in the subject land. However, the Tamil Nadu Urban Habitat Development Board pursuant to the orders of this Court has conducted an enquiry and proposed to provide alternative accommodation to the eligible encroachers in the available project as per the eligibility criteria contemplated under the Scheme. Even for the encroachers alternate accommodations are proposed to be provided by the Board subject to their compliance of their eligibility criteria as per the terms of the Scheme.



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16. Therefore, it is clear that the petitioners have no right to claim accommodation. However, the Board by way of concession, has agreed to provide alternate accommodation for eligible encroachers in any one of the projects and subject to the conditions under the welfare scheme. Beyond the said concession, High Court, in exercise of power for judicial review cannot grant any further concession for granting allotment in the subject property. As far as the building proposed to be constructed in the subject land is concerned, the original allottees are waiting for completion of the project and all those original allottees are to be accommodated by the Board and that being the factum established, the petitioners have not established even a semblance of legal right for the purpose of granting the relief in respect of the eviction notice issued by the Board, which is under challenge in the writ proceedings.

17. In view of the above facts and circumstances, the petitioners are not entitled for any further relief, other than the relief already proposed to be considered by the Board for providing alternate accommodation to the eligible encroachers in terms of the scheme.



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18. The writ petitioners are directed to vacate the premises and handover vacant possession to the Tamil Nadu Urban Habitat Development Board authorities enabling them to proceed with the demolition and reconstruction of new buildings. In the event of failure on the part of the writ petitioners/ encroachers to vacate the land, the Board is directed to evict all the encroachers with the assistance of Police, if required and complete the public projects for the benefit of the slum dwellers, already waiting for completion of the project. The said exercise of evicting the encroachers/writ petitioners shall be completed within a period of six weeks from the date of receipt of a copy of this order.

19. With the above observations, the Writ Petitions stand dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (C.K.,J.)
05.01.2026

vsi
Index:Yes/No
Speaking/Non-speaking order

15/18



Neutral citation

To

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1. The Managing Director,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai, Chepauk,
Chennai – 600 005.
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4. The Administrative Engineer,
Tamil Nadu Urban Habitat Development Board,
Division-4, Teynampet, Chennai -600 018.
5. The Secretary to Government of Tamil Nadu,
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Fort St.George,
Chennai – 600 009
6. The Chairman,
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Chennai – 600 005.
7. The Tahsildar,
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8. The Secretary to Government of Tamil Nadu,
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Fort St.George, Secretariat,
Chennai – 600 009.

9. The Tahsildar,

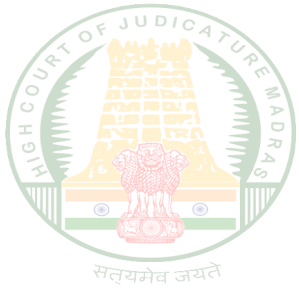
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Mambalam Guindy Taluk,
Chennai – 600 078

10. The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Division-4, Teynampet,
Chennai – 600 018.

11. The Administrative Engineer,
Tamil Nadu Urban Habitat Development Board,
Division-4, Teynampet,
Chennai – 600 018.



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**S.M.SUBRAMANIAM,J.
and
C.KUMARAPPAN,J.**

Vsi

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