

ITEM NO.22

COURT NO.7

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 3105/2026

[Arising out of impugned final judgment and order dated 05-01-2026 in WP No. 35995/2023 passed by the High Court of Judicature at Madras]

PENNURIMAI IYAKKAM

Petitioner(s)

VERSUS

THE MANAGING DIRECTOR & ORS.

Respondent(s)

IA No. 20283/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 20282/2026 - EXEMPTION FROM FILING O.T., IA No. 20287/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 21-01-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :Mr. V. Prakash, Sr. Adv.
Mr. Anurag Tandon, AOR
Mr. Karupasamy, Adv.
Mr. Gowthaman, Adv.
Mr. Arun Kasi, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Heard Mr. V. Prakash, the learned senior counsel, appearing for the petitioner-society.
2. The petitioner-society comprises of members hailing from

very poor state of society.

3. It appears that the respondents have issued eviction notice to the persons residing on the land in question asking them to vacate.

4. They have been asked to vacate, as the Slum Clearance Board, namely, *Tamil Nadu Urban Habitat Development Board*, wants to develop the land.

5. We take notice of the observations made by the High Court as contained in para 16 of the impugned judgment and order.

Para 16 reads thus:-

"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."

6. It appears on plain reading of para 16, referred to above, that the High Court has returned a finding that the petitioners, i.e., members of the Society, have no legal right to claim accommodation once they are evicted.

7. However, the High Court has also recorded a concession given by the Board that they would provide alternate accommodation to all eligible encroachers in one of the projects of the Board subject to the conditions under the Welfare Scheme.

8. The learned counsel would submit that there is no clarity insofar as providing of alternate accommodation to the members of the petitioner-society is concerned.

9. For the limited purpose as aforesaid, we are inclined to issue notice.

10. We call upon the other side to make us understand in what manner the members of the society will be rehabilitated once they are evicted.

11. Issue notice, returnable on 03.02.2026.

12. Dasti service, in addition, is permitted.

13. The advocate on record shall furnish one set of his entire paper book to the learned Additional Advocate General for the State of Tamil Nadu.

14. In the meantime, the parties shall maintain *status quo* as on date.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)