

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.6142 of 2015

1.Tmt.R.Vijaya
2.Tmt.M.Vijaya
3.Tmt.D.Selvi
4.Tmt.R.Rajam
5.Tmt.S.Shanthi
6.Tmt.Ettiyammal
7.Tmt.Pushba
8.Tmt.Valarmathy
9.Tmt.Shanthi
10.Tmt.Gowri
11.Tmt.Muthulakshmi
12.Tmt.Kumary
13.Tmt.Kuppu @ Kanniammal
14.Tmt.Muthammal
15.Tmt.Unnamalai
16.Tmt.Muniyammal
17.Tmt.Selvi
18.Tmt.Dhanavalli
19.B.Geetha
20.Tmt.N.Palaniyammal ... Petitioners

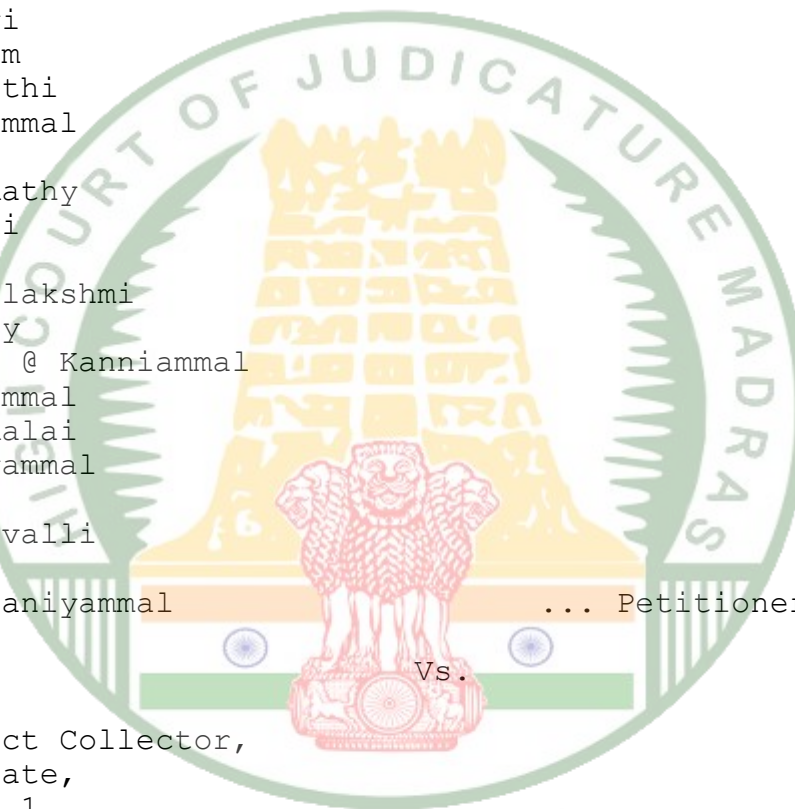
1.The District Collector,
Collectorate,
Chennai - 1.

2.The Chairman Cum Managing Director
Tamilnadu Slum Clearance Board,
Kamarajar Salai, Chennai - 600 005.

3.The Commissioner
Corporation of Chennai,
Chennai - 600 003.

4.The Tahsildar
Mambalam - Guindy Taluk Office,
Ashok Nagar,
Chennai - 600 078.

... Respondents



WEB COPY

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 3rd respondent the Commissioner, Corporation of Chennai from taking any steps to shift the petitioners houses No.1 to 20 at T.S.No.24, Block No.65, Kodambakkam village, Mambalam-Guindy Taluk to any other place outside the City of Chennai, in view of the pending Notification in J5/53987/2000 dated 19.09.2000 passed by the 1st respondent.

For Petitioners: Mr.M.Liagat Ali

For Respondents: Mr.V.Jayaprakash Narayanan
for R1 and R4

Special Government Pleader

Mr.T.G.Gopalakrishnan for R3

No Appearance for R2

O R D E R

Heard Mr.M.Liagat Ali, learned counsel appearing for the petitioners and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the first and fourth respondents and Mr.T.G.Gopalakrishnan, learned counsel appearing for the third respondent. With the consent of either side the writ petition itself is taken up for final disposal.

2.The petitioner has filed this writ petition to forbear the third respondent from taking steps to shift the petitioners from the property in question at No.1 to 20 at T.S.No.24, Block No.65, Kodambakkam village, Mambalam-Guindy Taluk to any other place outside the City of Chennai.

3.The petitioners state that they were all in occupation of the said property for about 15 years and the property is a Government land and taking into consideration that the petitioners do not have any other house-site and they are only 20 persons and the land being Government Poromboke land an order was passed by the District Collector on 19.09.2000 to regularise the encroachment and grant assignment patta on payment of land costs.

4.It is stated that the land cost was determined by the Tahsildar and intimated by the Tahsildar, Mambalam-Guindy Taluk and informed to the petitioners vide communication dated 15.11.2000. Typed copies of the communications dated 19.09.2000 and 15.11.2000 have been enclosed in the typed set of papers.

5.The petitioners have approached this Court at this juncture stating that the Corporation of Chennai is attempting to evict the petitioners and they are compelled to pose for photographs along with their family members stating that they would be re-located at some other place and they will be given accommodation. This according to the petitioners is without jurisdiction in the light of the fact that

already a decision has been taken to assign the land to the petitioners on collection of land cost.

6.The matter was passed over to enable the learned Standing Counsel for the Corporation to obtain instructions from the respondents. On instruction, the respondents submitted that the land is a road margin and vests with Corporation of Chennai and the petitioners are encroachers, so for the purpose of enumeration and to re-habitate them in different place, photographs have been taken and all the petitioners have voluntarily posed to the photographs and copies of those photographs are also produced before this Court. Further, it is submitted that the next stage is to take bio-metric details of the petitioners/ occupants.

7.Firstly, the petitioners claim that the land is a Government land and the learned counsel appearing for the petitioners rely upon the proceedings dated 19.09.2000, correctness of which is to be examined. Further it is stated that the land costs is also determined and intimated to the petitioners. In this regard typed copy of the communication dated 15.11.2000 from the Tahsildar to one of the petitioners is produced, correctness of which also has to be gone into.

8.In the meantime, this Court is of the view that forcible steps should not be taken to evict the petitioners. Accordingly, a direction is issued to the respondent Corporation/ Competent authority of the Corporation to issue notice to all the petitioners calling upon them to attend an enquiry and to produce all the documents which they rely upon to state that the property is a Government property. Further, if any of the petitioners have paid the land cost, the petitioners shall produce the same. On issuing such notice and the petitioners appearing in person, the revenue official shall also be present in the enquiry and after hearing the petitioners and the revenue official, the respondent Corporation/ Competent authority of the Corporation shall pass appropriate orders on merits and in accordance with law. The above exercise shall be complied with, within a period of two weeks from the date of receipt of a copy of this order.

9.This writ petition is disposed of with the above observations. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

Dated:13.3.15

True Copy

Sub Assistant Registrar

To

1.The District Collector,
Collectorate,
Chennai - 1.

2.The Chairman Cum Managing Director
Tamilnadu Slum Clearance Board,
Kamarajar Salai, Chennai - 600 005.

3.The Commissioner
Corporation of Chennai,
Chennai - 600 003.

4.The Tahsildar
Mambalam - Guindy Taluk Office,
Ashok Nagar,
Chennai - 600 078.

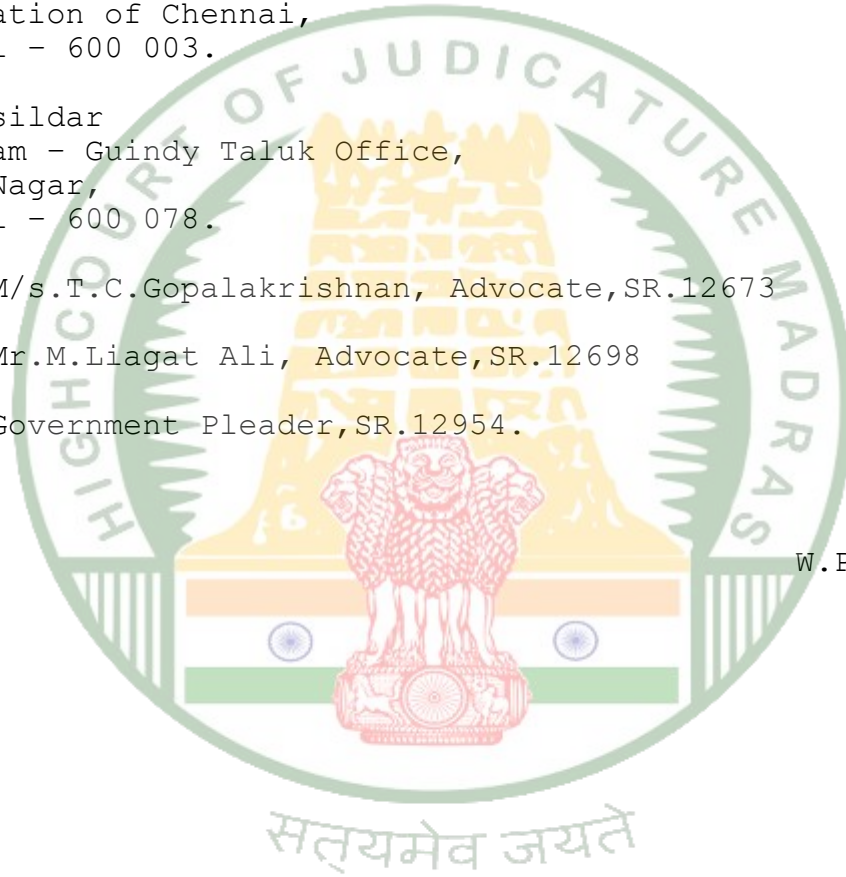
+1 cc to M/s.T.C.Gopalakrishnan, Advocate,SR.12673

+1 cc to Mr.M.Liagat Ali, Advocate,SR.12698

+1 cc to Government Pleader,SR.12954.

gp(co)
krd 18/3

W.P.No.6142 of 2015



WEB COPY