

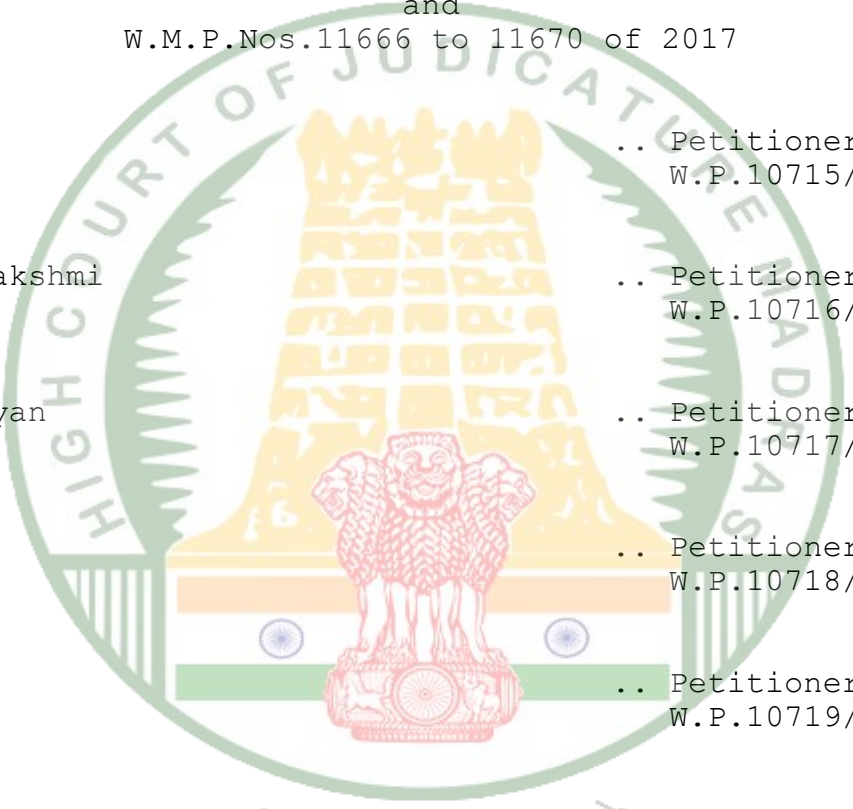
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE M.SUNDAR

W.P.Nos.10715 to 10719 of 2017
and
W.M.P.Nos.11666 to 11670 of 2017



S.Ponni .. Petitioner in
W.P.10715/2017

G.Mahalakshmi .. Petitioner in
W.P.10716/2017

R.Pandiyan .. Petitioner in
W.P.10717/2017

L.Babu .. Petitioner in
W.P.10718/2017

R.Reeta .. Petitioner in
W.P.10719/2017

vs.

- सत्यमेव जयते
1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.
 2. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Triplicane, Near Vivekananda House,
Chennai - 600 005.
- .. Respondents in
all Wps.

PRAYER : Writ Petition No.10715 of 2017 filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to provide alternate dwelling houses with adequate facilities to the street dwellers of St. Xavier Street of Greater Chennai Corporation, including the petitioner, preferably within Harbour Assembly Constituency, before removing them from their street dwellings, within the time frame to be fixed by this Court.

PRAYER : Writ Petition No.10716 of 2017 filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to provide alternate dwelling houses with adequate facilities to the street dwellers of St. Xavier Street of Greater Chennai Corporation, including the petitioner, preferably within Harbour Assembly Constituency, before removing them from their street dwellings, within the time frame to be fixed by this Court.

PRAYER : Writ Petition No.10717 of 2017 filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to provide alternate dwelling houses with adequate facilities to the street dwellers of Pidariyar Kovil Street of Greater Chennai Corporation, including the petitioner, preferably within Harbour Assembly Constituency, before removing them from their street dwellings, within the time frame to be fixed by this Court.

PRAYER : Writ Petition No.10718 of 2017 filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to provide alternate dwelling houses with adequate facilities to the street dwellers of Pidariyar Kovil Street of Greater Chennai Corporation, including the petitioner, preferably within Harbour Assembly Constituency, before removing them from their street dwellings, within the time frame to be fixed by this Court.

PRAYER : Writ Petition No.10719 of 2017 filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to provide alternate dwelling houses with adequate facilities to the street dwellers like the petitioners of Davidson Street of Greater Chennai Corporation, preferably within Harbour Assembly Constituency, within the time frame to be fixed by this Court.

For Petitioners : Mr.S.M.Hasan Fizal

For Respondents : Mr.V.C.Selvasekaran
for 1st respondent

Mr.S.Prabhu
for 2nd respondent

COMMON ORDER

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

These five writ petitions have been filed, inter alia, seeking a direction to the respondents to provide alternate dwelling houses, averring that they are street dwellers and that they are being removed by the first respondent.

2. As set out supra, it is the say of the petitioners that they are street dwellers. The three streets, which are subject matter of these five writ petitions are (i) St. Xavier Street; (ii) Pidariyar Kovil Street and (iii) Davidson Street are under Chennai Corporation.

3. Mr.V.C.Selvasekaran, learned counsel accepted notice on behalf of respondent No.1. Mr.S.Prabhu, learned counsel accepted notice on behalf of respondent No.2.

4. The first respondent is Chennai Corporation and the second respondent is Tamil Nadu Slum Clearance Board.

5. When these matters came up in the forenoon, we directed the standing counsel appearing on behalf of the respondents to get instructions from their respective clients and the matter stood over for hearing in the afternoon.

6. On instructions, the learned counsel appearing on behalf of the Chennai Corporation (1st respondent) submits that as far as Davidson Street is concerned, all street dwellers have been completely removed. This submission is recorded.

7. Be that as it may, the learned counsel appearing on behalf of the Corporation brings it to our notice that W.P.No.13204 of 1993 [St. Xavier Street Rental Shop Owners Welfare Association (regd.), rep. by its President Mr.K.Mariappan v. The Commissioner, Corporation of Chennai, Chennai Ripon Building, Chennai-3] was filed in this Court seeking removal of encroachments inter alia in the above said three streets and this Court passed an order on 7th December, 2000 in the said writ petition. It is the further say of the

learned counsel appearing for the Chennai Corporation that the present drive/action to remove the encroachers / street dwellers, who are squatting on the streets is pursuant to the said order of this Court.

8. Prayers in the writ petitions are couched in such a language that implies that provision of alternate site is a condition precedent for removal of writ petitioners. Therefore, we make it clear that we are not interfering with the drive/action process of clearing the street dwellers, more so, as it is pursuant to the orders of this Court. We make it clear that in these writ petitions, we are dealing only with the aspect of providing alternate dwelling houses to those, who would be removed.

9. In this regard Mr.S.Prabhu, learned standing counsel appearing on behalf of the Tamil Nadu Slum Clearance Board (respondent No.2) submits, on instructions, that there are constructed ready to occupy tenements in Semmencherri, Chennai-600 119. The learned counsel further submits that sufficient number of tenements are readily available and as far as these five writ petitioners are concerned, the Tamil Nadu Slum Clearance Board will be able to allot tenements to them subject to they satisfying certain parameters.

10. On our query as to what are the parameters, the joint submission of the learned counsel appearing on behalf of the Chennai Corporation as well as the Tamil Nadu Slum Clearance Board is that those street dwellers who are being removed should have been on the streets atleast for the past ten years.

11. It is also the further say of the respondents that if the petitioners in these five writ petitions satisfy the authorities by producing official documents such as Ration Card etc., to establish that they have in fact been there for more than ten years, we are of the view that the said submission of the learned counsel for the respondents appears to be fair, reasonable and acceptable.

12. We notice from the typed set of papers that the Ration Card and the other documents averred therein do not show that the writ petitioners herein were dwelling in the streets for more than ten years. This was put to the learned counsel for the petitioners.

13. In response, Mr.S.M.Hasan Fizal, learned counsel appearing on behalf of the petitioners has produced photo copies of Ration Cards for three writ petitioners pertaining to the period 2005 - 2009.

14. The details are as follows:-

S.No.	W.P.No.	Name & Address	Family Card No.	Period
1	W.P.No.1071 6/2017	Mahalakshmi 99, St.Xavier Street, Chennai-1	01/G/111433 9	2005 - 2009
2	W.P.No.1071 7/2017	Pandian 80, Pidariyar Kovil Street, Chennai-1.	01/G/026908 4	2005 - 2009
3	W.P.No.1071 8/2017	L.Babu 78/168, Pidariyar Kovil Street, Chennai-1.	01/G/026922 2	2005 - 2009

15. Three out of five writ petitioners before us appear to have been there in one or the other above three streets for more than ten years. There cannot be any difficulty in providing alternate tenements to them in Semmencherri, Chennai-119 based on the submissions made supra. However, we make it clear that it is for the first respondent (Chennai Corporation) to satisfy themselves by seeing the original documents and then give details to the second respondent (Tamil Nadu Slum Clearance Board) within a fortnight. On this being done, the Tamil Nadu Slum Clearance Board shall allot ready to occupy tenements to the writ petitioners herein within a fortnight therefrom.

16. Though obvious, we make it clear that the first respondent shall continue with its action of removing the street dwellers on the two streets (St. Xavier Street & Pidariyar Kovil Street) and complete that exercise also as expeditiously as possible and in the light of the earlier orders of this Court.

17. We also make it clear that this order applies only to the five petitioners before us.

18. With the aforesaid observations and directions, these writ petitions are disposed of. No costs. Consequently, W.M.P.Nos.11666 to 11670 of 2017 are closed.

-s/d-
Assistant Registrar (IV)

True Copy

Sub-Assistant Registrar

To:

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.
2. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Triplicane, Near Vivekananda House,
Chennai - 600 005.

+5 Ccs to Mr.S.M.Hasan Fizal, sr 25807
+1 CC to Mr.S. Prabhu, sr 36394

W.P.Nos.10715 to 10719 of 2017

NRI (CO)
sp/16/5



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