

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2017

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.8865 of 2010

Kaalvaithurai Kudisai Vazh Makkal
Pothu Nala Sangam
rep. by its President, S.Murugesan
No.7429, TNHB, Ayapakkam
Ambattur, Chennai-77.Petitioner

vs.

1. The Government of Tamilnadu
rep. by its Secretary to Government
Department of Revenue
Fort St. George, Chennai-9.
2. The State of Tamilnadu
rep. by its Secretary to Government
Department of Public Works
Fort St. George
Chennai-9.
3. The Collector
Chennai District
Chennai-1.
4. The Commissioner सतयमेव जयते
Corporation of Chennai
Chennai-3.
5. The Tamil Nadu Slum Clearance Board
rep. by its Chairman
Chennai-5.
6. The Managing Director
Chennai Metropolitan Water Supply
and Sewerage Board
Chennai-2.

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7. The Assistant Commissioner
Department of Civil Supplies and
Consumer Protection
Anna Nagar Zone
116, E.V.R. Salai
Chennai-84.

...Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing respondents 1 to 6 herein and particularly the 6th respondent herein to provide alternate accommodation at Kannagi Nagar, Okkiyam Thuraipakkam to 57 out of 772 members of the petitioner Association listed in the typed set of papers who are yet to be allotted tenements among those who were offered alternate accommodation by the 6th respondent herein as incorporated in the order dated 26.10.2009 and substituted order dated 25.11.2009 in W.P.No.9851 of 2009.

For Petitioner : Mrs.G.Chamki Raj
For Respondents : Mr.T.N.Rajagopalan
Spl. Government Pleader
for respondents 1 to 3 and 7
Ms.Karthika Ashok
for 4th respondent
No appearance
for respondents 5 and 6

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The residents/encroachers of Kaalvaithurai, Kilpauk were removed by the sixth respondent, as the land belongs to the said respondent. It appears that in a public interest litigation in W.P.No.1923 of 2008, vide order dated 12.3.2008, eviction was directed of the encroachers. The endeavour made by the association of the encroachers before the Hon'ble Supreme Court is stated to have also failed.

2. The basis for filing this writ petition is that in W.P.No.9851 of 2009, while dealing with the grievance of the association of these encroachers, observations were made on 25.11.2009 to the extent that all occupants who are eligible were being offered alternative accommodation.

3. It is the submission of the learned counsel for the petitioner that out of 772 encroachers, 715 were given such alternative accommodation, but 57 were left out. It is these 57 left out persons who claim rights for alternative accommodation in the present writ petition.

4. The learned counsel for the petitioner states that subsequently another 24 persons have been accommodated on the basis of the additional documents submitted by them, but 33 are still left out. It is stated that these 33 persons have also submitted additional documents as set out in the typed set of documents, but the final view is yet to be taken by the sixth respondent as to these 33 persons. It is, thus, prayed that the direction which is required in the present petition is for the sixth respondent to determine the eligibility of these 33 persons on the basis of documents submitted, as the delay was causing irreparable prejudice to the said persons.

5. The fifth and sixth respondent are however unrepresented before us. Be that as it may, we have heard learned Special Government Pleader and the learned counsel for the Corporation.

6. We, thus, direct the sixth respondent to scrutinize the documents of the remaining 33 persons and take a final view on the issue of their eligibility within a maximum period of three months from the date of receipt of the order. If some further information is required, the sixth respondent may obtain the same from the remaining 33 persons. Such of the persons who would be entitled to allotment would thereafter approach the fifth respondent for allotment letters.

The petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2010 is closed.

Sd/-
सत्यमेव जयते

Assistant Registrar

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Sub Assistant Registrar

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To:

1. The Secretary to Government
Government of Tamilnadu
Department of Revenue
Fort St. George, Chennai-9.
2. The Secretary to Government
State of Tamilnadu
Department of Public Works
Fort St. George, Chennai-9.
3. The Collector
Chennai District
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4. The Commissioner
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5. The Chairman
Tamil Nadu Slum Clearance Board
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6. The Managing Director
Chennai Metropolitan Water Supply
and Sewerage Board
Chennai-2.
7. The Assistant Commissioner
Department of Civil Supplies and
Consumer Protection
Anna Nagar Zone
116, E.V.R. Salai
Chennai-84.

+1cc to Mr.Elango, Advocate, S.R.No.6604
+1cc to M/s.Karthika, Advocate, S.R.No.6679
+1cc to the Government Pleader, S.R.No.6830

MG(CO)
RS(07/02/2017)

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