

W.P.No.31114 of 2017

M.VENUGOPAL, J.
AND
S.VAIDYANATHAN, J.

(Order of the Court was made by S.VAIDYANATHAN, J.,)

When the matter is taken up for hearing for reporting compliance, it is represented by Mrs.Narmadha Sampath, learned Additional Advocate General - VIII, appearing for the respondents 1, 2, 4, 6 and 9 that 259 encroachments squatting on the canal bank in Elango Street, Govindasamy Nagar have to be evicted and that other 49 encroachments have already been evicted.

2. It is further represented by Mrs.Narmatha Sampath, learned Additional Advocate General - VIII that the cost of Rs.25,000/- imposed by this Court earlier was paid on 17.08.2018 to the father of the victim child. It is also represented that the 2nd respondent, who was directed to be present, as per the order of this Court dated 27.11.2018, is now in Delhi, attending the Cauvery Water Management Authority Second Meeting today (03.12.2018). As such, the presence of Mr.S.K.Prabhakar, Principal Secretary, PWD, Government of Tamil Nadu is dispensed with for the future. Further, the Sixth respondent / Mr.K.Elangovan, the Executive

Engineer, PWD (WRO) (Araniyar Basin Division), Chepauk, Chennai, is present today and his presence for the future is also dispensed with.

3. It is represented by the person, who was residing in the property contended that it is a notified slum and that the respondents have no authority to evict them. It is further represented that the matter was taken up before the Hon'ble Supreme Court and that they are trying to seek modification of the order by filing a review petition.

4. In response to the above submission, the learned counsel for the petitioners would submit that 366 encroachments are said to have been removed only after the orders of this Court and even before filing the writ petition, several encroachments have been removed. A reading of Paragraph Nos.19 and 20 is very clear that the area in question has already been discussed and dealt with and subsequently, observed that encroachments have got to be removed.

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5. Mr.S.Prabhu, learned Standing Counsel appearing for Slum Clearance Board would submit that there are tenements, wherein the encroachers could be accommodated, provided a direction is issued by this Court.

6. Heard the learned counsel for the parties.

7. It is not in dispute that the order has become final and the question of notified slum has already been considered and even after several months, no effective steps in respect of so-called issuance of notifying the slum were taken. When there are tenements available to accommodate encroachers, nothing prevents the respondents from evicting them from the present place so as to be accommodated in the place identified by the Slum Clearance Board. The plea of law and order problem, raised by the respondents cannot be acceded to. When there is an order passed by this Court, the same has got to be obeyed.

8. However, as requested by the learned Additional Advocate General - VIII, we are inclined to give time till 02.01.2019 so as to inform this Court regarding accommodation of encroachers in the place earmarked by the Slum Clearance Board. It is needless to mention that the respondents can take coercive steps, such as disconnection of electricity, water supply, and withdrawal of ration card from the present place forthwith to ensure that the encroachers do not get any benefits from January, 2019, including Pongal gifts, if any declared by the Government and ensure that a fresh

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ration card is issued to them only after their migration to the area
identified by the Slum Clearance Board.

List this matter on 02.01.2019 at 02:15pm. The Chief Secretary
to Government is directed to circulate the above order to the respective
Departments, such as Electricity, Civil Supplies, TWAD Board, etc. for
necessary action.

[M.V,J.,] [S.V.N,J.,]
03.12.2018

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