

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2018

CORAM:

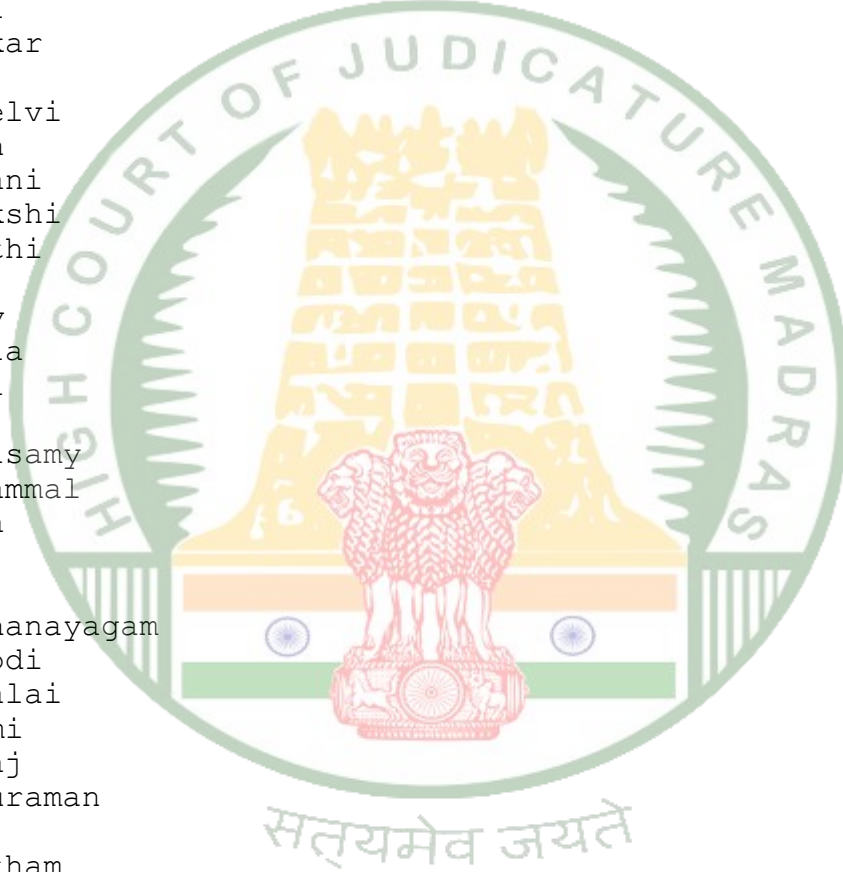
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.3735 of 2004

and

WPMP.No.2 of 2015

1. S.Kanchana
2. Tamilselvan
3. Chellammal
4. V.Veeraghavan
5. Kodivel
6. Gunasekar
7. Raman
8. Kalaiselvi
9. Anandan
10. Indirani
11. Meenakshi
12. Vasanthi
13. Devan
14. Gracny
15. Manjula
16. Gandhi
17. Raj
18. Palanisamy
19. Yasodammal
20. Amudha
21. Kala
22. Babu
23. Marudhanayagam
24. Jayakodi
25. Annamalai
26. Lakshmi
27. Ethiraj
28. Parasuraman
29. Ramu
30. Ranjitham
31. Mathilaimarry
32. Kamalakkannan
33. Marry
34. Suresh
35. Murugammal
36. Palayam
37. Kayathri
38. Sargunam
39. Murali
40. Thomas
41. Pushpa
42. Raju
43. C.Govindaraj
44. Nagaraj
45. Subramani
46. Sengammal
47. Murugesan
48. Suriaprakash



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49. Krishaiyah
50. Subramani
51. Vinayagam
52. Mahalakshmi
53. Kandasamy
54. Kanniammal
55. Jegadeeswari
56. Anjalai
57. Shanthi
58. Fathima
59. Veeramani
60. Kasi Viswanathan
61. Thangavel
62. Selvan
63. Dhanavel
64. Velayudam
65. Prama
66. Susheela
67. Govindammal

... Petitioners

Versus

1. The State of Tamilnadu
Rep. By the Secretary to Government,
Housing Department
Fort St. George,
Chennai - 600 009.
2. The Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai
Chennai - 600 005.
3. The Collector,
Chennai District,
M.Singaravelar Maligai
Second line Beach
Chennai - 600 001.

.. Respondents

Prayer: This Writ petition has been filed under Article 226 of Constitution of India, seeking a Writ of Mandamus to direct the 2nd respondent to allot the tenements Sudhandranagar slum in Corporation Division No.109, Thousand Lights, Chennai, to the petitioners herein within the time frame fixed by this Court.

For petitioners	:	Ms.M.S.Bhuvaneswari for M/S.Sathyachandran For R1 & R3
	:	Mr.M.Elumalai Government Advocate
For R2	:	Mr. M. Rajasekar

O R D E R

The prayer sought for in this writ petition is to allot the tenements in Sudhandranagar slum in Corporation Division No.109, Thousand Lights, Chennai, to the petitioners.

2. Today, when the matter is taken up for hearing, Mr.M.Rajasekar, learned counsel for the second respondent submitted that the entire land in the scheme area belonged to 3 different departments namely Public Works Department (27 grounds, 1440 square feet), Education Department (20 grounds 1170 square feet) and Police Department (9 ground and 790 square feet). Even though the Public Works Department and Educaiton Department have accorded approval to part with their land in favour of the Tamil Nadu Slum Clearance Board, the police department refused to do so. Since the Board could not obtain the land belonged to Police Department land, no scheme has been formulated in that portion of land. It was further stated that there is no proposal to evict the petitioners and even if evicted, they will be provided alternative accommodation on priority basis.

3. When the matter was taken up for hearing on the earlier occasion, this Court has directed the respondents to get appropriate instruction from the Police Department as to why the first respondent is not inclined to part with the land belonged to the police department so as to enable the second respondent to accommodate the petitioners. But the learned counsel for the first respondent informed this Court, based on the counter affidavit of the first respondent, that the first respondent expressed their inability to part with the land for the reasons set out in para No.4 and 5 of the counter filed by the Government which reads as follows.

" 4. It is submitted that based on the request made by the Police Department for evicting and rehabilitating the pavement dwellers residing at Drivers Street in Pudupet, Chennai (adjacent to Armed Reserve Quarters) which was causing pollution, unhygienic environment and serous hindrance to the free flow of Police vehicles and Traffic, 46 Slum dwellers residing in Driver's street were allotted tenements in Swathanthira nagar on 28.01.2004.

5. It is submitted that the Tamil Nadu Slum Clearance Board could not obtain the Police Department land (Survey NO.73/2pt) no scheme has been formulated in that portion of land. As only 34 tenements were available, the 92 hut dwellers who were enumerated on the portion of land, to whom the Boardhad already issued identity Card, could not be allotted and have also not been disturbed till date"

4. Admittedly the petitioners are residing in the land in question for several years. According to the first respondent, the land belonged to Police Department where the petitioners have encroached and residing there for several decades, but they are unable to acquire the land from the petitioners till date. Having regard to the fact that the petitioners are residing in the land in question for more than several decades, this court is inclined to pass the following order:

5. The third respondent/District collector, Chennai is directed take appropriate action either to recover the land from the Police department and hand over the same to the second respondent or allot alternative land to the petitioners adjacent to the land where they are presently residing. The said exercise should be done within a period of six months from the date of receipt of a copy of this order.

6. In the result, the Writ petition is disposed of. Consequently, connected Miscellaneous petition is closed. No costs.

7. For reporting compliance by the District Collector, Chennai post the writ petition during 1st week of February 2019.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Secretary to Government
State of Tamilnadu,
Housing Department
Fort St. George,
Chennai - 600 009.
2. The Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai
Chennai - 600 005.
3. The Collector,
Chennai District,
M.Singaravelar Maligai
Second line Beach
Chennai - 600 001.
4. Writ Posting
High Court, Madras (To Post the matter
on 1st week of February 2019)

+1cc to Mr.Sathyachandran, Advocate SR.NO.51123

+1cc to Government Pleader SR.NO.52443

sm:3.9.2018

W.P.No.3735 of 2004
and WPMP.No.2 of 2015