

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.32402 of 2002 and

W.M.P.No.30289 of 2018

Adi Andra Nagar Welfare Associations
rep by its Secretary R.Damodaran
Vellala Street, Ayanavaram,
Chennai - 23.

... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai - 3.

2.Zonal Officer,
Corporation of Chennai,
Zone IV, Ayanavaram,
Chennai - 23.

3.Executive Engineer,
Corporation of Chennai,
Zone IV, Division - 56,
Ayanavaram,
Chennai - 23.

4.The Chairman,
Tamil Nadu Slum Clearance Board,
5, Kamaraj Salai,
Chennai - 5.

5.The Collector,
Chennai District,
O/o The Collectorate,
Rajaji Salai,
Chennai - 1.

6.Bagavandam

7.G.Saradha

8.K.Shanmugasundaram

9.B.Yuvaraj

.. Respondents

(R6 to R9 impleaded as per order dated 05.09.2007 in W.P.M.P.No.1479 of 2007 in W.P.No.32402 of 2002)

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents to regularize the possession, occupation and enjoyment of the residential structures of the 15 families described as encroachers in Adi Andhra Nagar, Ayanavaram, Chennai - 23 by allowing them to continue their occupation and enjoyment and protect their interest.

For Petitioner : Mr.J.Raja Rao

For Respondents: Mr.V.C.Selvasekaran,
Standing Counsel (R1 to R3)

Mr.S.Prabhu,
Standing Counsel (R4)

Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) (R5)

M/s.Vinumary Joy (R6 to R9)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The above Writ Petition has been filed by the petitioner to issue a Writ of mandamus directing the respondents to regularize the possession and enjoyment of the residential structures of the 15 families in Adi Andhra Nagar, Ayanavaram, Chennai - 23 by allowing them to continue their occupation and enjoyment and protect their interest.

2.It is the case of the petitioner that the said 15 families are in possession and enjoyment of the land in dispute for several decades and therefore, their possession should be regularized. Admittedly, the said occupants were not issued with Patta till today.

3.The learned Standing Counsel appearing for the Corporation of Chennai and Tamil Nadu Slum Clearance Board submitted that the land was handed over to the Corporation of Chennai even prior to the year 1994 for constructing a School and that the Corporation of Chennai has constructed a School in the said land. That apart, the persons who are occupying the land in question were served with a notice dated 04.07.2002 by the Corporation of Chennai under Section 222 of the Madras City Municipal Act of 1919 to remove the structures from the land. In

the letter of the Commissioner, Chennai Corporation dated 01.10.1994, addressed to the Chairman, Tamil Nadu Slum Clearance Board, it was informed that the land was handed over to the Chennai Corporation for constructing a School and in the same letter, the Slum Clearance Board was requested to provide alternate accommodation in one of the tenements to be constructed in the Corporation land in other parts of the City for rehabilitation of the 15 families of the Adi Andhra families occupying the land.

4. Since the land in question was handed over to the Chennai Corporation for constructing a School and that a School was also constructed in the said land, the relief sought for in the Writ Petition cannot be granted. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

va

To

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5.The Collector,
Chennai District,
O/o The Collectorate,
Rajaji Salai,
Chennai - 1.

+1 CC to Mr.S.Prabhu, Advocate sr 51254.
+1 CC to Govt. Pleader sr 51770.
+2 Ccs to Mr.J.Raja Rao, Advocate sr 51062.

W.P.No.32402 of 2002 and
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CA(CO)
SP(08/08/2019)



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