

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2019

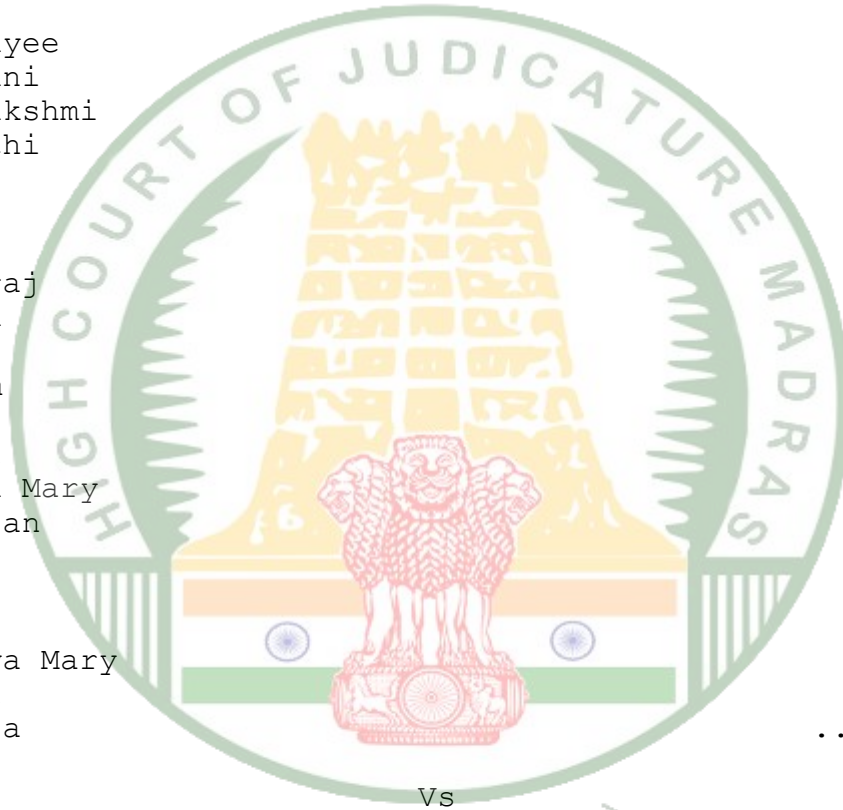
CORAM

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

THE HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.26581 of 2019

- 1 R.Anandayee
- 2 P.Indirani
- 3 E.Jayalakshmi
- 4 S.Jayanthi
- 5 S.Kala
- 6 M.Valli
- 7 R.Jothi
- 8 R.Lingaraj
- 9 E.Vimala
- 10 B.Kantha
- 11 A.Sagayam
- 12 P.Selvi
- 13 S.Shanthi
- 14 D.Fathima Mary
- 15 D.Devanesan
- 16 R.Klara
- 17 D.David
- 18 A.Eswari
- 19 S.Irudhaya Mary
- 20 R.Umarani
- 21 S.Manimala



.. Petitioners

Vs

- 1 The Commissioner
Greater Chennai Corporation
Rippon Buildings
Chennai - 600 003.
- 2 The Assistant Commissioner
Corporation of Chennai
Zone -5, No.6, Basin Bridge Road
Chennai - 600 021.
- 3 The Area Engineer
Chennai Corporation
Ward 56, Zone - 5 Unit 13
No.57, Ibrahimji Street
Chennai - 600 001.

4 The Commissioner of Police
Greater Chennai
Vepery, Chennai - 600 007.

5 The Chairman
Tamil Nadu Slum Clearance Board
Chepuak, Chennai - 600 005.

6 B.V.Suresh kumar

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of declaration declaring that the action of respondents 1 to 4 in demolishing the residential houses for the petitioners on 17/09/2018 as illegal and arbitrary and consequentially direct the respondents to provide alternative house sites to petitioners 1 to 21.

For Petitioners : Mr.M.Gnanasekar

For Respondents : Dr.C.Ravichandran
for respondents 1 to 4

Mr.S.Prabhu
for 5th respondent

ORDER

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

The petitioners have filed the above writ petition to declare that the action of respondents 1 to 4 in demolishing the residential houses for the petitioners on 17.09.2018 as illegal and arbitrary and to consequently direct the respondents to provide alternative house sites to petitioners 1 to 21.

2. One B.V.Suresh Kumar, who is the sixth respondent herein, filed a writ petition in W.P.No.19863 of 2018 to issue a writ of mandamus directing the official respondents to evict the illegal encroachments all along the stretch at Meera Labbai Street, Broadway, Chennai - 600 001 on permanent basis and further direct the respondents to effectively keep a vigil by way of periodical inspection and police patrolling so as to avert encroachment in future. When the said writ petition came up for hearing before this Bench on 18.7.2019, the learned counsel for the petitioner therein represented that the order passed by this Court on 2.8.2018 for evicting the encroachers has been complied with and, therefore, the writ petition may be closed. The learned counsel for the petitioner therein also made an endorsement to that effect. In view of the same, the writ petition in W.P.No.19863 of 2018 was closed.

3. Under such circumstances, the petitioners, who were respondents in the earlier writ petition, have now filed the writ petition seeking the relief stated above.

4. Since the petitioners, who are encroachers, were already evicted from the encroached land, we do not find any reason to grant any relief in the present writ petition.

In such view of the matter, this writ petition is dismissed as devoid of merits. However, with regard to providing alternative house sites to the petitioners, it is open to the petitioners to give a separate representation to the authorities and it is for the authorities to take a decision in accordance with law. No costs. Consequently, W.M.P.No.25957 of 2019 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

- 1 The Commissioner, Greater Chennai Corporation
Rippon Buildings, Chennai - 600 003.
- 2 The Assistant Commissioner, Corporation of Chennai
Zone -5, No.6, Basin Bridge Road, Chennai - 600 021.
- 3 The Area Engineer, Chennai Corporation
Ward 56, Zone - 5 Unit 13
No.57, Ibrahimji Street, Chennai - 600 001.
- 4 The Commissioner of Police
Greater Chennai, Vepery, Chennai - 600 007.
- 5 The Chairman
Tamil Nadu Slum Clearance Board
Chepuak, Chennai - 600 005.

+1 cc to M/s.M.Gnanasekar, Advocate Sr.No. 78055
+1 cc to Mr.S.Prabhu, Advocate Sr.No.77295
+1 cc to Dr.C.Ravichandran, Advocate Sr.No.77116
+1 cc to The Government Pleader Sr.No.77780

AKM/13.09.19/3P-10C /

W.P.No.26581 of 2019