

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

CORAM :

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

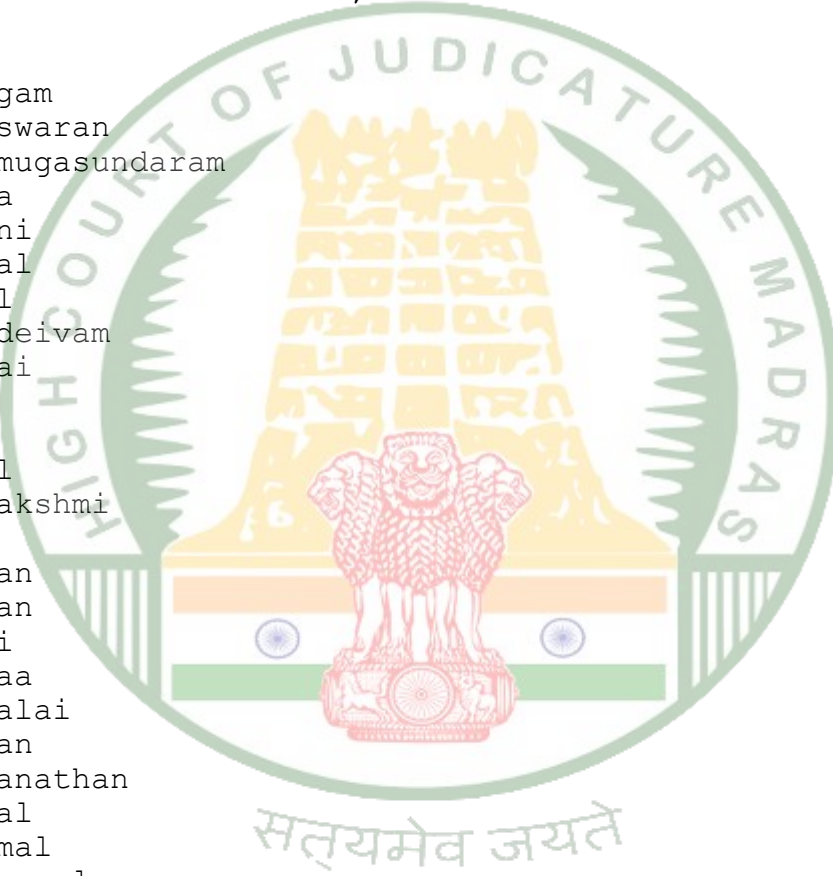
AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. Nos.27653, 29091 & 34706 of 2018 and

W.M.P.Nos.32200, 40257 & 34035 of 2018

- 1.Mohan
- 2.P.Shanmugam
- 3.N.Pattieswaran
- 4.S.K.Shanmugasundaram
- 5.E.M.Anifa
- 6.Kamalaveni
- 7.Kaliyammal
- 8.Rangammal
- 9.Kankandadeivam
- 10.Kupputhai
- 11.Papathi
- 12.Kamalam
- 13.Sameevel
- 14.Senchilakshmi
- 15.Lakshmi
- 16.Mahendran
- 17.Murugesan
- 18.Rajamani
- 19.Mukkaiyaa
- 20.Manimegalai
- 21.Mahendran
- 22.R.Bakiyanathan
- 23.Nanjammal
- 24.Mayilammal
- 25.Palaniyammal
- 26.R.Kalimuthu
- 27.Vijayalakshmi
- 28.Thangavel
- 29.Kanagaraj
- 30.Kandasamy
- 31.Radhamani
- 32.Kumar
- 33.K.Murugesan
- 34.K.Balan
- 35.Sarashvathi
- 36.Selvi
- 37.Subbulakshmi

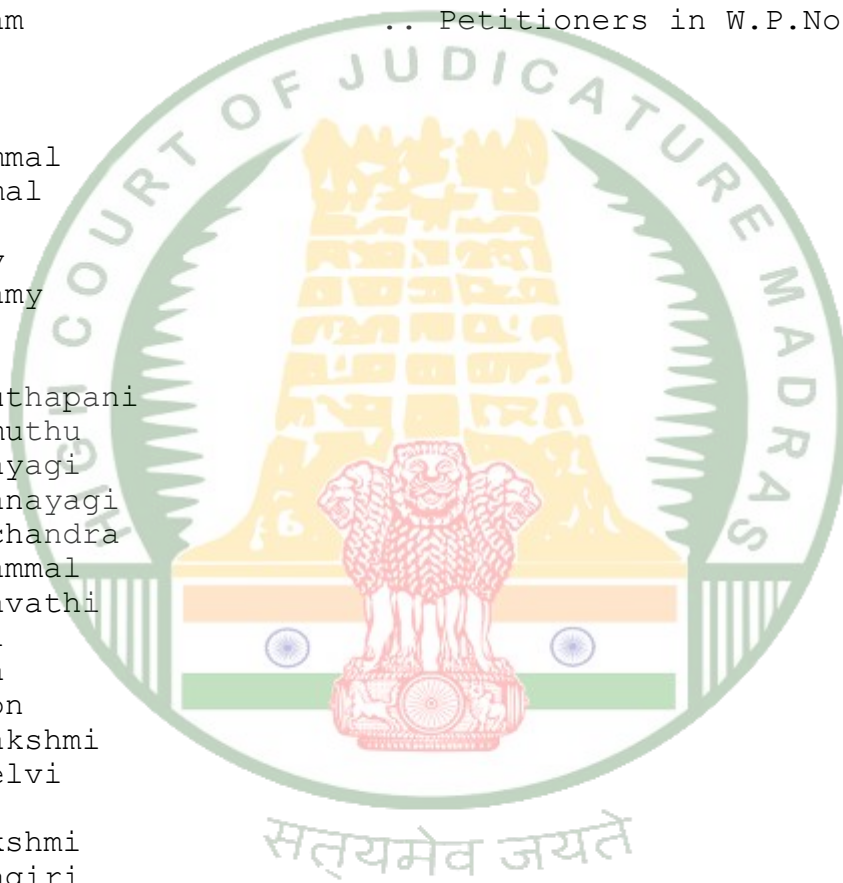


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38.K.Pappathi
39.Appusamy
40.S.Namachivayam
41.Pathima
42.Pappathi @ Pappammal
43.Bhuvaneshwari
44.Kovai Chandra
45.Rejina
46.Jeyalakshmi
47.Balamurali
48.Baby
49.Sundarampal
50.Manickam

.. Petitioners in W.P.No.27653/2018

1.Kumar
2.Chitra
3.Palaniammal
4.Mariyammal
5.S.Priya
6.Ramasamy
7.Kumarasamy
8.Lakshmi
9.R.Ravi
10.Dhandauthapani
11.R.Kalimuthu
12.Vallinayagi
13.Maruthanayagi
14.Poornachandra
15.Pandiyammal
16.Thilagavathi
17.Papathi
18.Malliga
19.Sudarson
20.Sammylakshmi
21.Tamilselvi
22.Ravi
23.Subalakshmi
24.Veliyangiri
25.Kunjammal
26.Nirmala
27.Manikandan
28.K.G.Sunil
29.Selvi W/o Murugan
30.Selvi W/o Sundaram
31.Vennila
32.Kaliraj
33.Shanthi
34.S.Baby
35.Arumugam
36.Leelavathi

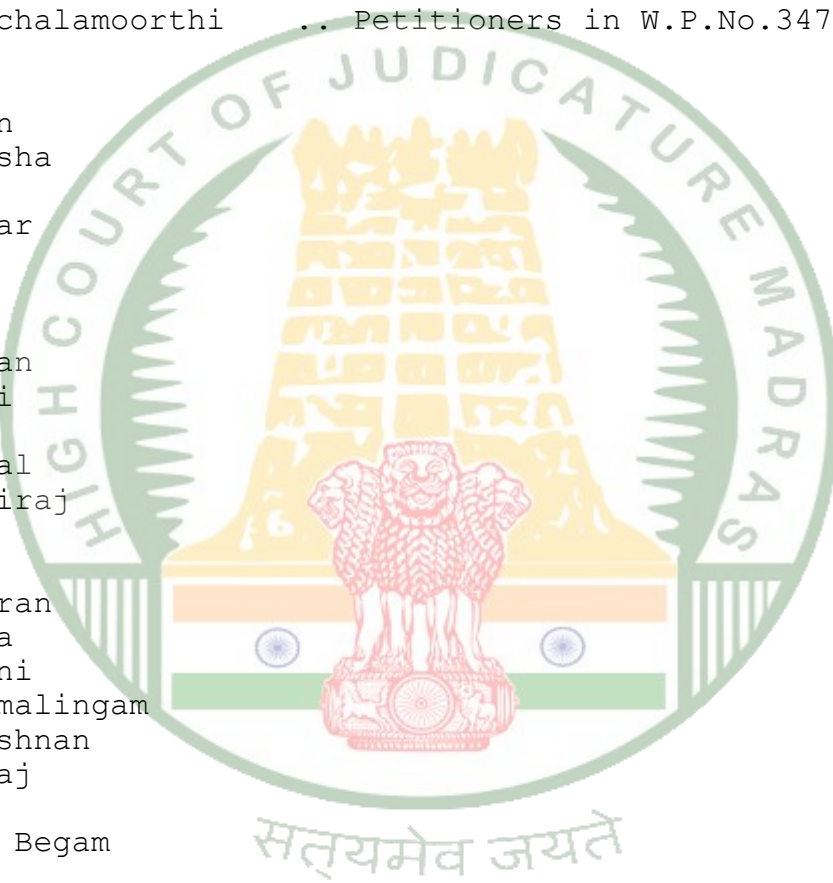


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37.Suleka
38.Sabeer
39.Sugunaveni
40.Rishwana Praveen
41.N.Baby
42.Arokiyanathan
43.Gunasekaran
44.Anthony Doss
45.S.Krishnamoorthi
46.Shajathi
47.Murugesan
48.Ranganathan
49.Maruthachalamoorthi

... Petitioners in W.P.No.34706/2018

1.Pappathi
2.Mahadevan
3.Haira Nisha
4.Bakyam
5.Sivasankar
6.Parvathi
7.Rukumani
8.Papammal
9.Mariyappan
10.Sarojini
11.K.Mani
12.Muthammal
13.Kasthuriraj
14.Radha
15.Lakshmi
16.Surendiran
17.A.L.Raja
18.Jothimani
19.Muthuramalingam
20.Balakrishnan
21.Thangaraj
22.Babu
23.Malitha Begam
24.Ganesan
25.Papathi
26.Abdul Karim
27.Chellamuthu
28.Rani
29.K.Ram Kumar
30.Velusamy
31.Ganesan
32.Pazhanal
33.Nachammal
34.Bathrammal
35.Kondayammal
36.Jeyamani



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37.Kannammal
38.Jeyalakshmi
39.Somasundaram
40.M.Ganam

.. Petitioners in W.P.No.29091/2018

Vs.

1.The District Collector,
Office of the District Collector,
Coimbatore District,
Coimbatore.

2.The Commissioner,
Corporation of Coimbatore,
Office of the Commissioner,
Coimbatore Corporation,
Coimbatore.

3.The Goundampalayam Town Panchayat,
Rep by its Special Officer,
Goundampalayam,
Coimbatore District.

4.The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Coimbatore Division,
Selvapuram North,
Coimbatore - 641 026
Coimbatore District.

.. Respondents 1 to 4 in all W.Ps

5.M/s.Nagammal Street Resident
Welfare Association,
rep by its President Chinnathambi,
Nagammal Street, K.K.Pudur Post,
Coimbatore - 641 038.

.. 5th Respondent in W.P.27653/2018

(R5 impleaded vide order dated 10.01.2019 made in
W.M.P.No.36326/2018)

Petitions filed under Article 226 of the Constitution of India praying for issue of Writs of mandamus restraining the respondents from evicting the petitioners from the premises in Survey Nos.54/2, 54/3, 56/2, 61/2, 62/3, 63/3, 64/2 and 65/2 situate in Koundampalayam Village, Coimbatore District without providing alternate site to the petitioners.

For Petitioners : Mr.S.Senthil Nathan
(in all W.Ps.)

For Respondents : Mr.V.Jayaprakash Narayanan,
(in all W.Ps.) Government Pleader (i/c) (R1 & R3)

Mr.K.Magesh (R2)

Mr.S.Prabhu (R4)

Mr.Vignesh Venkat (R5 - W.P.No.27653/2018)

C O M M O N O R D E R

(Order of the Court made by the Hon'ble Chief Justice
and M.Duraiswamy, J.)

Since the issue involved in all these Writ Petitions are common and relates to the same Survey Numbers, the Writ Petitions are disposed of by this common order.

2.The petitioners have filed the above Writ Petitions to issue Writs of mandamus directing the respondents from evicting the petitioners from the premises in Survey Nos.54/2, 54/3, 56/2, 61/2, 62/3, 63/3, 64/2 and 65/2 situate in Koundampalayam Village, Coimbatore District without providing alternate site to them.

3.It is pertinent to note that one Association by name K.K.Pudur Residence Welfare Association filed a Writ Petition in W.P.No.19121 of 2012 challenging the order passed by the 1st respondent dated 16.06.2012. The Association also filed two other Writ Petitions in W.P.Nos.9958 of 2012 and 9477 of 2016 and the Division Bench of this Court, by order dated 19.01.2017, set aside the order dated 16.06.2012 and also gave the following directions:

"...

(ii)The Corporation of Coimbatore is directed to abide by the recitals of their letter communication dated 15.04.2014 in Na.Ka.No.25186/2000/ Aa1, wherein and whereby the Coimbatore Corporation had stated that it would provide alternate sites to the occupiers and remove the encroachment

(iii)All the respondents are directed to remove the encroachment [subject to (ii) supra] being encroachment in the 1 Km. stretch comprised in S.Nos.54/2, 54/3, 56/2, 61/2, 62/3, 63/3, 64/2 and

65/2 [8 S.Nos. in all] in Koundampalayam Village, Coimbatore District.

(iv) The respondents are directed to comply with (ii) and (iii) supra within a time frame of six months from the date of receipt of this order."

4. According to the petitioners, the respondents are taking action against them for evicting without following the directions of this Court. Further, they have stated that the respondents have not given the alternate places till date.

5. The 2nd respondent filed a counter wherein he has stated that as against the order passed in W.P.Nos.19121 & 9958 of 2012, the petitioners, along with others, preferred Special Leave Petitions in S.L.P.(Civil) Nos.11000 & 11001 of 2018 and the same were dismissed by the Hon'ble Supreme Court of India on 20.04.2018. The petitioners have not stated anything about the filing and dismissal of the Special Leave Petitions in their respective affidavits. Further, the 2nd respondent has stated that the Tamil Nadu Slum Clearance Board has finalized 252 allottees after checking the necessary documents and door to door verification and the allottees were directed to pay a sum of Rs.36,000/- each to the Slum Clearance Board within a specified period thereby enabling them to allot the houses. After the receipt of such communication, 98 such allottees have given consent to vacate their premises. The other allottees have given representations stating that they are not in a position to pay the sum of Rs.36,000/- due to their financial status. Considering their representation, the Coimbatore Corporation had come forward to deposit the said amounts before the Slum Clearance Board on behalf of the allottees and accordingly, no amount was collected from the allottees. But the entire amounts, on behalf of the allottees, were deposited by the Corporation before the Slum Clearance Board. Based on the same, fresh allotment letters were given by the Slum Clearance Board intimating that the amounts were already received by them and the allotment is finalized and the allottees were directed to occupy in their houses allotted to them. The 2nd respondent has also furnished the list of persons who had already signed in the Register maintained by the Corporation agreeing for accepting the allotments and the persons who refused to go to the allotted places.

6. The Executive Engineer of the Slum Clearance Board viz., the 4th respondent filed a counter stating that in due compliance of the order passed by the Division Bench of this Court in W.P.Nos.19121 & 9958 of 2012, the respondents have allotted alternate houses to the petitioners and therefore, filing of the present Writ Petitions is unwarranted.

7.The learned counsel appearing for the petitioners submitted that the petitioners may be granted time till 30.05.2019 for vacating the encroached lands.

8.Since the respondents are following the directions of this Court made in W.P.Nos.19121 & 9958 of 2012 and have allotted alternate houses, we are not inclined to grant any time to the petitioners. That apart, the petitioners have not stated anything in their affidavits about the dismissal of the Special Leave Petitions.

9.In these circumstances, we are of the considered view that the respondents are duly complying with the directions of this Court made in W.P.Nos.19121 & 9958 of 2012. For the reasons stated above, the Writ Petitions are devoid of merits and the same are liable to be dismissed. Accordingly, the Writ Petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Office of the District Collector,
Coimbatore District, Coimbatore.

2.The Commissioner,
Corporation of Coimbatore,
Office of the Commissioner,
Coimbatore Corporation,
Coimbatore.

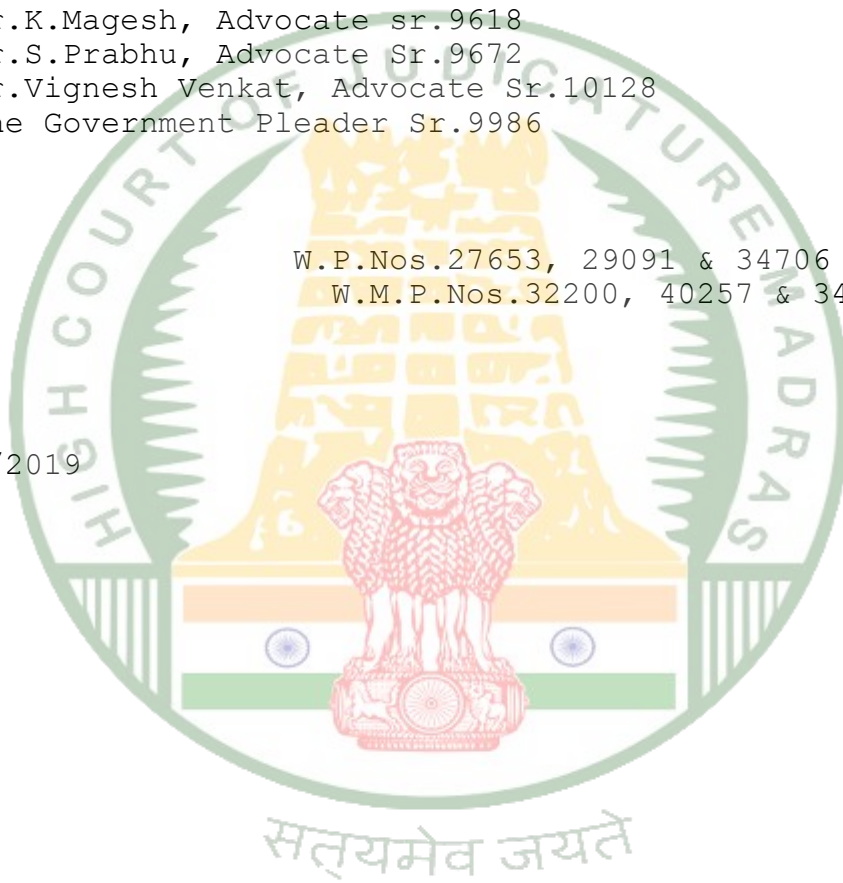
3.The Goundampalayam Town Panchayat,
Rep by its Special Officer,
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4.The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Coimbatore Division,
Selvapuram North,
Coimbatore - 641 026
Coimbatore District.

+3cc to Mr.S.Senthil Nathan, Advocate Sr Nos.9668 to 9670
+1cc to Mr.K.Magesh, Advocate sr.9618
+1cc to Mr.S.Prabhu, Advocate Sr.9672
+1cc to Mr.Vignesh Venkat, Advocate Sr.10128
+1cc to the Government Pleader Sr.9986

W.P.Nos.27653, 29091 & 34706 of 2018 and
W.M.P.Nos.32200, 40257 & 34035 of 2018

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srg 22/02/2019



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