

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.Nos.11487 and 11489 of 2020
and WMP Nos.14039, 14030 of 2020

S.Ambiga
A.Komala

... Petitioner in WP No.11487 of 2020
... Petitioner in WP No.11489 of 2020

Vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.
2. The Executive Engineer,
Zone 9 ,
Metropolitan Chennai Corporation,
No.1, lake area, 4th street,
Nungambakkam, Chennai - 600 034.
3. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, kamarajar Salai,
Chepauk, Chennai 600 005.

... Respondents in both Wps

[Respondents 4 and 5 are deleted vide
order dated 04.09.2020 in W.P.Nos.11487 and
11489 of 2020 by NAVJ]

COMMON PRAYER: Writ Petitions filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondent not to take any coercive steps from forcibly dispossessing and evicting the petitioner from their residential house situated at No.134/1, Thangavelu street, T.Nagar, Chennai 600 017 during the pandemic COVID-19 period.

For Respondents: Mrs.Karthiga Ashok,
in both WPs Standing Counsel for R1 & R2
Mr.Rajasekar, Standing counsel for R3

occupants even if they are to be accommodated in an alternative place.

7. Mr.Rajasekar, learned counsel appearing on behalf of the 3rd respondent submitted that the alternative place has already been chosen at Okkiyam Thoraipakkam and already 77 persons have been identified and the petitioners are in Sl.Nos. 34 & 35. The learned counsel submitted that all the occupants were taken to Okkiyam Thuraipakkam and they were shown their alternative accommodation. The learned counsel submitted that the entire list will be handed over to the Corporation of Chennai and the Corporation of Chennai will have to ensure that the identified occupants are rehabilitated into the alternative accommodation at Okkiyam Thoraipakkam.

8. The learned counsel appearing on behalf of Corporation of Chennai, submitted that the petitioners do not have any right to squat upon the property belonging to the Government and as per the directions given by the Hon'ble Division Bench, alternative accommodation has already been identified for 77 occupiers. The learned counsel therefore submitted that the petitioners will have to necessarily vacate from the present place and shift to Okkiyam Thoraipakkam.

9. This Court has carefully considered the submissions made on either side and the materials available on record.

10. The respondents 1 to 3 are in the process of shifting 77 identified occupiers to the alternate place at Okkiyam Thoraipakkam. This is being done pursuant to the directions issued by the Hon'ble First Bench in WP No.20546 of 2000. The Hon'ble First Bench had only observed in the order that there are two alternatives through which the problem can be resolved. The first alternative is to see whether a patta can be issued and the second alternative is to provide for an alternative accommodation. The authorities have chosen the second alternative and are providing accommodation at Okkiyam Thuraipakkam to 77 identified occupiers. The petitioners cannot claim as a matter of right for the issuance of patta. Such a right cannot be claimed in view of the fact that the property in question is a Poramboke land belonging to the Government. Therefore, this Court does not find any illegality in the authorities choosing to provide alternative accommodation to 77 identified occupants.

11. The only other question is whether any breathing time has to be given to the occupants before they are shifted to the alternate place. Considering the pandemic situation and also considering the fact that the occupants will have to get prepared to move into the alternative accommodation provided at

Okkiyam Thoraipakkam, this Court deems it fit to give some time to the occupants to move out of the property.

12. In view of the above, the 77 identified occupants, including the petitioners are given four weeks time to vacate and hand over possession to the Corporation of Chennai and move into the alternative accommodation at Okkiyam Thoraipakkam. On the expiry of four weeks, if the possession is not handed over, it is left open to the Corporation of Chennai to take possession with necessary police help. After the expiry of four weeks, the earlier direction given by the Hon'ble First Bench to the effect that the entire width of the road and its margin must be kept free from any encumbrance, should be ensured by the Corporation of Chennai. Both the writ petitions are disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

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+1cc to Mr.M.Rajasekhar, Advocate Sr.28931

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