

IN THE HIGH COURT OF JUDICATURE AT MADRAS

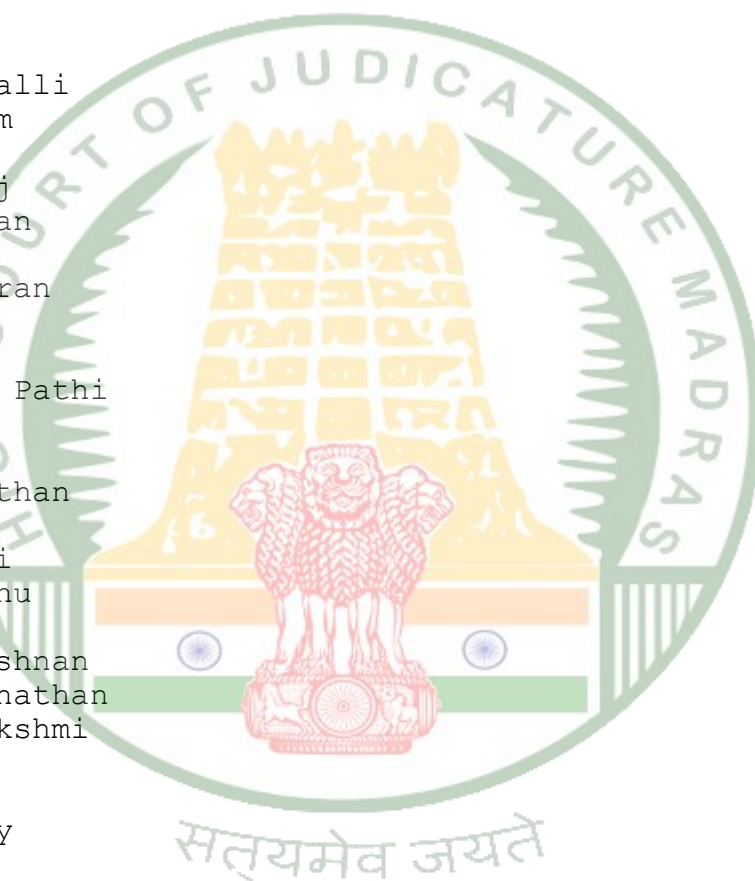
DATED : 03.01.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No. 22869 of 2014
and M.P.No. 1 of 2014

1. R.Kannan
2. V. Boopathy
3. V. Nagammal
4. N. Gumuthavalli
5. E. Shanmugam
6. P. Saroja
7. G. Anatharaj
8. K. Narayanan
9. K. Palani
10. M. Maheswaran
11. V. Mallika
12. A. Lakshmi
13. E. Lakshmi Pathi
14. B. Radha
15. A. Murali
16. P. Navaneethan
17. S. Iyappan
18. T. Poongudi
19. T. Marimuthu
20. E. Alamelu
21. R. Ramakrishnan
22. A. Pandarinathan
23. K. Dhanalakshmi
24. R. Mani
25. P. Jaya
26. K. Munusamy
27. M. Kannagi
28. A. Abitha
29. G. Rajammal
30. L. Baskar
31. A. Natarajan
32. D. Dharumentheran
33. D. Saroja
34. G. Mohan
35. Mrs. Pavoonambal
36. V. Sathyamoorth
37. P. Jayalaxmi
38. B. Valli
39. M. Narayanaswamy
40. D. Gowri



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...Petitioners

-vs-

1. The Commissioner/the Principal Secretary,
Chennai City Municipal Corporation,
Ribbon building, Chennai.
2. The Managing Director,
Slum Clearance Board,
Kamarajar Salai, Chennai - 600 005.
3. The District Collector,
Chennai District, Singaravelar Maaligai,
George Town, Chennai - 600 001.
4. The Zonal Officer,
Zone - IX, Corporation of Chennai,
IXth Zonal Officer, Nungambakka, Chennai.
5. The Tahsildar,
Egmore Taluk, Chennai.

... Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to regulate the occupancy of the petitioners in the respective residence by granting patta or in the alternate to provide them an unobjectionable alternate site without treating them as encroachers in view of the prescriptive rights conferred upon them.

For Petitioners : Ms.N.R.Jasmine Padma

For Respondents : B.S.Sundaramoorthi for R2
Mr.R.Arunmozhi for R1 & R4
M/s.G.B.Rajesh GA for R3 & R5

ORDER

Heard Ms.N.R.Jasmine Padma, learned counsel assisted by Ms.B.Shivani, learned counsel for petitioner and Mr.R.Arunmozhi, learned counsel for respondents 1 and 4, Mr.G.B.Rajesh, learned Government Advocate for respondents 3 and 5 and Mr.B.S.Sundaramoorthi, learned counsel for 2nd respondent.

2. With consent of learned counsel on either side, the writ petition itself is taken up for final disposal.

3. The petitioners are 40 in numbers and seek for a direction to direct the respondents 1 and 2, namely Corporation of Chennai and the Tamil Nadu Slum Clearance Board

to regularize the occupancy of the petitioners in the encroached land and to grant patta or in the alternate, to provide them an unobjectionable alternate site.

4. Though the petitioners' claim that they should not be treated as encroachers, the same cannot be accepted, because the petitioners are encroachers in a land, which is ear-marked as play ground. Therefore the petitioners have no vested right to remain in possession of a land, which is classified as a play ground for a Corporation School. The play ground located near Eldams Road, Thiruvalluvar Salai Junction, Teynampet and the play ground is an essential feature for any school. In fact, the Government refused to grant approval to private schools, if there is no play ground facilities. Therefore, the respondents have to relocate the petitioners to an alternate site. The petitioners have stated that the land is under the control of Slum Clearance Board. This is factually incorrect, as it has been stated by the second respondent in the counter affidavit that the land is not under the control of the Slum Clearance Board.

5. The learned Standing Counsel for the Slum Clearance Board has produced a copy of the communication sent by the Managing Director of the Slum Clearance Board to the Commissioner of Greater Chennai Corporation dated 22.07.2019. In the said communication, the Corporation of Chennai has been informed that fresh enumeration should be done by using bio-metric system and fresh Forms 2 and 2A has to be prepared and forwarded to the Slum Clearance Board for their consideration.

6. In the light of the communication dated 22.07.2019, this Court is inclined to issue appropriate directions.

7. The respondent Corporation is directed to complete the enumeration process by adopting the bio-metric system and submit the Forms 2 and 2A to the Tamil Nadu Slum Clearance Board within a period of three(3) months from the date of receipt of a copy of this order. On receipt of the requisite forms with full details, the second respondent is directed to consider the same in accordance with their regulations and relocate those occupants whose name finds place in the enumeration list.

With the above direction, the writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner/the Principal Secretary,
Chennai City Municipal Corporation,
Ribbon building, Chennai.
2. The Managing Director,
Slum Clearance Board,
Kamarajar Salai, Chennai - 600 005.
3. The District Collector,
Chennai District, Singaravelar Maaligai,
George Town, Chennai - 600 001.
4. The Zonal Officer,
Zone - IX, Corporation of Chennai,
IXth Zonal Officer, Nungambakka, Chennai.
5. The Tahsildar,
Egmore Taluk, Chennai.

+1cc to Mr.B.S.Sundaramoorthy, Advocate SR.690
+1cc to MR.L.Chandrakumar, Advocate SR.564
+1cc to Mr.R.Arunmozhi, Advocate SR.1720
+1cc to the Government Pleader SR.993

W.P.No. 22869 of 2014
and M.P.No. 1 of 2014

GMR (CO)
CB (06/02/2020)

सत्यमेव जयते

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