

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH  
and  
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition Nos.32512 and 32514 of 2019  
and  
W.M.P.Nos.32846 and 32848 of 2019

M.Rajam  
W/o.D.Muthukrishnan ... Petitioner in W.P.No.32512/2019

D.Muthukrishnan  
S/o.Duraisamy ... Petitioner in W.P.No.32514/2019

Vs

1.State of Tamil Nadu  
represented by its  
Principal Secretary and Commissioner  
of Land Administration,  
Ezhilagam, Chepauk,  
Chennai - 5.

2.The District Collector,  
Chennai District,  
Singaravelar Maaligai,  
Rajaji Salai,  
Chennai - 600001.

3.The Tahsilar,  
Mambalam-Guindy Taluk,  
Perambur,  
Chennai - 600011.

4.The Commissioner,  
Corporation of Chennai,  
Rippon Buildings,  
Chennai - 600003.

... Respondents in both W.Ps.

Writ Petitions filed under Article 226 of the  
Constitution of India praying to issue a Writ of Mandamus  
directing respondents to consider the petitioner's  
representation dated 29.10.2019.

For Petitioner : Mr.P.Shivaraj Mohan  
[in both W.Ps.]  
For Respondents : Mr.K.S.Suresh  
[in both W.Ps.] Government Advocate [R1 to R3]  
Dr.C.Ravichandran [R4]  
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C O M M O N O R D E R

[Order of this Court was made by R.SUBBIAH, J]

As the issue involved in both the Writ Petitions are similar, they can be disposed of by way of a common order.

2. The present Writ Petitions have been filed seeking issuance of a Writ of Mandamus directing respondents to consider the petitioners' representation dated 29.10.2019.

3. Heard learned counsel for petitioners and learned Government Advocate appearing for respondents 1 to 3 and learned counsel appearing for fourth respondent.

4. Learned counsel for petitioners submits that petitioners are husband and wife and are residing at Door No.1 and 1A, Nehru Street, Choolai Pallam, K.K.Nagar, Chennai - 600 078, Mambalam-Guindy Taluk, Chennai Corporation Limit. They have no other property. They had also put up superstructures in the said property. It is the grievance of petitioners that respondents 3 and 4 are trying to evict them from the property. In this regard, petitioners have also given a representation to respondents 3 and 4 not to initiate any action against them, but the same was not considered. Hence, the present petition has been filed seeking the aforesaid relief.

5. Learned standing counsel appearing for fourth respondent/ Corporation, relying on the counter filed by fourth respondent, submits that the National Green Tribunal, Principal Bench, New Delhi, has issued an order towards removing encroachments along the Adyar river banks in O.A.Nos.556, 557, 558 and 559 of 2018. In keeping with the said order, the Chennai River Restoration Trust and the Public Works Department have started restoration work of rivers and petitioners' land is also one of the encroachments along the Adyar river. Learned standing counsel further submits that enumeration work was carried out by Public Works Department, Tamil Nadu Slum Clearance Board and Greater Chennai Corporation on 12.11.2019 and simultaneously bio-metric process has been done by the contract agency M/s.Impact Technologies. Eviction will be done after giving resettlement to the encroachers as per law. Moreover, the Public Works Department has got jurisdiction with regard to eviction and resettlement. In fact, the petitioner in W.P.No.32512 of 2019

has produced necessary documents to the Bio-Metric Agency viz., M/s.Impact Technologies and the petitioner in W.P.No.32514 of 2019 has not produced any document. Since the names of Writ Petitioner in W.P.No.32512 of 2019 is found in the enumeration list, resettlement will be done as per law.

6. In the aforesaid circumstance, this Court is of the view that there is no need to issue any direction to respondents to consider the petitioners' representation dated 29.10.2019.

Recording the submissions of learned standing counsel for fourth respondent/Corporation, these Writ Petitions are closed. Connected miscellaneous petitions are closed. However, the petitioner in W.P.No.32514 of 2019 is at liberty to produce necessary documents, which is in his possession, within a period of two weeks from the date of receipt of this order. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary and Commissioner of Land Administration,  
Ezhilagam, Chepauk,  
Chennai - 5.

2.The District Collector,  
Chennai District,  
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4.The Commissioner,  
Corporation of Chennai,  
Rippon Buildings,  
Chennai - 600003.

+1cc to Mr.P.Shivaraj Mohan , Advocate SR.No. 2393

+2ccs to Dr.C.Ravichandran , Advocate SR.No. 1820,1819

+1 cc to Government Pleader Sr.No. 2250

Writ Petition Nos.32512 and 32514 of 2019