

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.02.2020

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 33477 of 2019

and

W.M.P.No. 33948 of 2019

M/s.Wood Wharf Small Scale Industries
Owners Association,
No. 98/4, 1st Street, Walltax Road,
Chennai - 600079.
Rep by its Secretary
K.Rajendran

.. Petitioner

..Vs..

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai,
Chennai - 600005.

2. The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Vysarbadi,
Chennai - 600039.

3. The Chief Engineer,
Public Works Department,
Chennai Region,
Chepauk,
Chennai - 600 005.

4. The Executive Engineer,
Public Works Department,
Araniyar Basin Division,
Chepauk,
Chennai - 600005.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 2nd respondent from in any way causing obstruction or blocking the 35 feet width road the only entrance road leading to Wood Wharf road from Walltax road and further direct the 1st

and 2nd respondent not to cause hindrance to the members of association from running the industries.

For Petitioner : Mr.V.Ramamurthy

For Respondents: Ms.D.Latha
standing counsel for R1 & R2.
Mr.R.Govindasamy,
Special Government Pleader
for R3 & R4.

O R D E R

Heard Mr.V.Ramamurthy, learned counsel for the petitioner, Ms.D.Latha, learned standing counsel appearing for the respondents 1 & 2 and Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents 3 & 4.

2. On the previous occasion, this Court had passed the following order;

" Mr.K.Rajendran, Secretary of the petitioner's association is requested to go over to the Slum Clearance Board at Kamarajar Salai, Chennai at 11.00 A.M. on 07.02.2020 and have a discussion with the officials and thereafter if it is possible either on the same day or on other succeeding day give a spot inspection of the place at Walltax Road, Chennai and examine the proposals given by the respondents. "

3. It is represented that in compliance of the above order, Joint Meeting was organised by the Tamil Nadu Slum Clearance Board on 07.02.2020 at 12.00 P.M. in the Conference Hall of TNSCB venue, wherein, both the petitioner along with their representatives, with the officials of the Public Works Department and the officials of the Slum Clearance Board had participated. It was stated that they had discussed about possibilities of alternate approach road from the small scale industries connecting the Walltax Road, since the existing road has been blocked and barricaded by the TNSCB for the ongoing construction of multi-storeyed tenements in-lieu of dilapidated age old structures at the present location considering the safety aspects.

4. A report has been filed by Ms.D.Latha, learned standing counsel for the respondents 1 and 2. Another report has been filed by the Public Works Department, namely, the third and fourth respondents and the relevant paragraphs are extracted hereunder:

" 4. I respectfully submit that during the meeting, the 2nd respondent stated that a road of 20 feet width has been proposed all round the proposed building to connect with the Walltax Road which could be made use by the petitioner for their movement of vehicles to transport the essential commodities and raw materials. However, the petitioner and representatives objected this route as there are ample chances that the people residing in the tenements would not allow the transportation of vehicles of Wood Wharf Small Scale Industries soon after the construction of tenements.

5. I respectfully submit that in this regard, the 2nd respondent has assured that after the completion of the tenements in a scheduled period of 15 months, this road will be handed over to Greater Chennai Corporation as a gift deed to public so that all the people habituated around this area can make use of this approach road for everyday activities.

I further submit that petitioner and their representatives demanded an alternate road as a temporary measure till the scheduled completion of their project. To this, the 2nd respondent has stated that there is an existing road very adjacent to the ongoing project site connecting Walltax Road and the small scale industries on the Southern side which can be utilized until the construction of TNSCB tenements. However, the petitioner had put forth an issue stating that there are few encroachments around 10 Nos. in the form of houses exists which needs to be evicted since the road width has been grossly reduced due to the presence of these encroachments. The 2nd respondent has assured to evict these encroachments with the help of the land owning Department (PWD) so that the road will have a minimum width of 20 feet as requested by the petitioner after the eviction of encroachments. The petitioner has requested the 2nd respondent to expedite this process early for their welfare. This was accepted in principle by both parties. "

5. The learned Special Government Pleader and the learned standing counsel for the Tamil Nadu Slum Clearance Board have stated that recording the undertakings given in the reports extracted above, would satisfy the requirements of all concerned.

6. The learned counsel for the petitioner did not accept the report filed by the first and second respondents and accepted the report filed by the third and fourth respondents. I am not including any particulars from the report filed by the Board since, the petitioner is not agreeable for the same. At any rate, the learned counsel for the Board has agreed to the report filed by the Public Works Department. The officials of the Public Works Department state that they would evict the encroachments of about 10 numbers in the form of houses, which needs to be evicted, on or before 31.03.2020.

7. Recording the same, the writ petition is disposed of and all the parties are to abide with the whole process and it is hoped that the issues would have amicable solution if the undertaking is followed in letter spirit.

8. Accordingly, the present writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai,
Chennai - 600005.

2. The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Vysarbadi,
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3. The Chief Engineer,
Public Works Department,
Chennai Region,
Chepauk,
Chennai - 600 005.

4. The Executive Engineer,
Public Works Department,
Araniyar Basin Division,
Chepauk,
Chennai - 600005.

+1cc to Ms.D.Latha, Advocate SR.12315
+3cc to Mr.V.Ramamurthy, Advocate SR.12768
+1cc to the Government Pleader SR.13602

W.P.No. 33477 of 2019
and
W.M.P.No. 33948 of 2019

KS (CO)
CB(18/03/2020)



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