



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.12439 to 12443 of 2011

&

M.P.Nos.1 of 2011 (5 Nos)

Pavadairayan	...Petitioner in W.P.No.12439/2011
K.Narayanan	...Petitioner in W.P.No.12440/2011
P.N.Gangadharan	...Petitioner in W.P.No.12441/2011
P.Veeramani	...Petitioner in W.P.No.12442/2011
V.K.Vasudevan	...Petitioner in W.P.No.12443/2011

Vs.

1.The District Collector,
Thiruvallur District,
Thiruvallur

2.The Tahsildar,
Ambattur Taluk,
Ambattur.
Thiruvallur District.

3.The Executive Engineering
The Public Works Department,
Thiruvallur.

4.The Assistant Executive Engineer
The Public Works Department
Ambattur, Thiruvallur Dt.

...Respondents in all WPs.

Prayer in W.P.No.12439 of 2011 : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay a sum of Rs.5,00,000/- as compensation for the illegal eviction and demolition of house at No.10A, 2nd Canal Street, Teachers Colony, Ambattur, Chennai - 53.



Prayer in W.P.No.12440 of 2011 : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay a sum of Rs.5,00,000/- as compensation for the illegal eviction and demolition of house at No.2, Canal Street, Teachers Colony, Ambattur, Chennai - 53.

Prayer in W.P.No.12441 of 2011 : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay a sum of Rs.5,00,000/- as compensation for the illegal eviction and demolition of house at Old No.18/4, New No.9, 2nd Canal Street, Teachers Colony, Ambattur, Chennai - 53.

Prayer in W.P.No.12442 of 2011 : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay a sum of Rs.5,00,000/- as compensation for the illegal eviction and demolition of house at Old No.18/6, New No.11, 2nd Canal Street, Teachers Colony, Ambattur, Chennai - 53.

Prayer in W.P.No.12443 of 2011 : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay a sum of Rs.5,00,000/- as compensation for the illegal eviction and demolition of house at No.18/5, Erikkari Street, Teachers Colony, Ambattur, Chennai - 53.

For Petitioner : Mr.S.Senthilnathan
(in all WPs)

For Respondents : Mr.C.Jayaprakash
(in all WPs) Government Advocate

O R D E R

The relief sought for in the present Writ Petitions is to direct the respondents to pay a sum of Rs.5,00,000/- as compensation for illegal eviction and demolition of petitioners' house. The very relief sought for in the present Writ Petition is mis-conceived, in view of the fact that the counter affidavit filed on behalf of the 3rd respondent reveals that the subject property is a water body and eviction was done by following the due process of law on 16.08.2008. In other words, the competent authority evicted the encroaches in the water body and the eviction proceedings were done by following the due process of law.



2. When the petitioners are encroachers of the water body, the compensation cannot be considered at all. The petitioners have no right to claim any such compensation as they were encroachers of the water body and the eviction was carried out by following the procedures contemplated. This being the crux of the issue, the very relief sought for has no merits for consideration.

3. Therefore, the Writ Petitions are dismissed. Consequently, connected Miscellaneous Petitions are also closed. No Costs.

s/d-
Assistant Registrar (CS-II)

//True Copy//

Sub-Assistant Registrar

shr/Kan
To

1.The District Collector,
Thiruvallur District,
Thiruvallur

2.The Tahsildar,
Ambattur Taluk,
Ambattur.
Thiruvallur District.

3.The Executive Engineering
The Public Works Department,
Thiruvallur.

4.The Assistant Executive Engineer
The Public Works Department
Ambattur, Thiruvallur Dt.

+1 CC to The Government Pleader sr 60026.

W.P.No.12439 to 12443 of 2011

GPL (CO)
SP (01/12/2021)