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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.24136 of 2018

and

W.M.P. (MD)Nos.21828 of 2018 and 979 of 2019

J.Mathavan,
State Coordinator,
National SC/ST People Confederation,
(Reg. No.22/2016/T.N.),
Room No.52, V.G.T. Complex,
Murugan Theatre (Opp),
Aandipatti Post,
Theni District - 625 512.

... Petitioner

Vs.

1.The District Collector,
Collectorate, Theni,
Theni District.

2.The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

3.The Tahsildar,
Bodinayakanur Taluk,
Theni District.

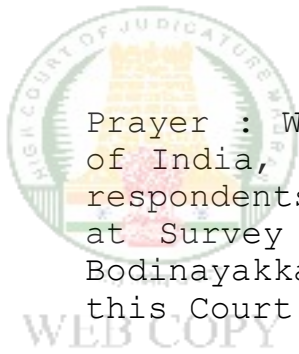
4.The Municipal Commissioner,
Bodinayakanur Municipality,
Theni District.

5.The Divisional Officer,
Slum Clearance Board,
Madurai Division,
Madurai - 625 020.

6.The Regional Director of Municipal Administration,
Anna Arivalayam,
Corporation Building,
Thallakulam, Madurai District.

7.The Commissioner,
Municipal Administration and Water Supply,
Chepauk,
Chennai.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents to provide Patta to the people for their dwelling houses at Survey Nos.807 to 810 in 13W, Nagaratchi Colony, Anna Nagar, Bodinayakkanur Post, Theni District, within a time stipulated by this Court.

For Petitioner : Mr.S.Louis
For R1 to R3, R6 & R7 : Mr.K.Chellapandian
Additional Advocate General
Assisted by Mrs.J.Padmavathi Devi
Special Government Pleader
For R4 : Mr.M.Karuppasamy
Standing Counsel
For R5 : Mr.P.Mahendran
Additional Government Pleader

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

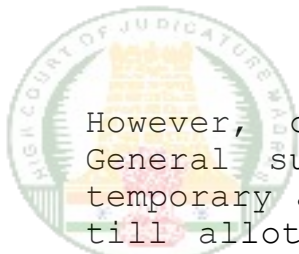
This Public Interest Litigation has been filed by the petitioner, seeking a Writ of Mandamus, directing the respondents to provide patta to the residents, who are living in Survey Nos.807 to 810 in 13W, Nagaratchi Colony, Anna Nagar, Bodinayakkanur Post, Theni District.

2.Learned counsel for the petitioner submitted that the residents of that area are poor persons, who are living in the place for decades and all of a sudden they are sought to be evicted and their request for grant of patta is pending consideration.

3.Learned Additional Advocate General appearing for respondent Nos.1 to 3, 6 and 7, by placing reliance on the typed set of documents and the counter affidavit filed by respondent No.5, submitted that the place in question has been given in favour of Tamilnadu Slum Clearance Board and in fact the said Board has purchased the land and invited tenders for construction of 352 tenements and the successful bidder has also been approved. An enquiry was conducted with all the persons, who are living in the above said area, and it was found that only 267 persons are eligible for allotment out of 352 tenements to be constructed. This is done by taking note of the fact that those persons do not have any own house and the other persons, who already have residence, are not considered for allotment of tenements. Further, learned Additional Advocate General made reliance on the copy of the selection proceedings of the committee constituted for the aforesaid purpose.

4.In view of the said submissions made and the counter affidavit filed, the grievance of the petitioner stands answered.

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However, on a query by the Court, learned Additional Advocate General submitted that after eviction of the place alternative temporary accommodation will be given to the above said 267 persons till allotments are made and possession is handed over. The said submissions stand recorded.

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5. Insofar as the other persons, whose names are not found in the list of 267 persons, liberty is given to them to approach the respondents and if the same is not considered favourably, they can always workout their remedy in the manner known to law. This Writ Petition is ordered accordingly.

6. We make it clear that before actually carrying out eviction, the 267 beneficiaries identified for allotment of tenements have to be provided with alternative accommodation as the area has to be earmarked, made available and they have to be accommodated, who otherwise would be left homeless.

7. At this juncture, learned counsel for the petitioner submitted that the direction of this Court to provide alternative accommodation to those 267 beneficiaries be made available to the other encroachers as well till their representations for grant of patta are considered.

8. Considering the above submission, this Court permits the persons, whose names do not find place in the list of 267 beneficiaries, to submit representations seeking allotment of tenements within four weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents concerned shall consider the same and pass appropriate orders within a period of six weeks therefrom. Till such time, they should be allowed to continue in the alternative place, which is sought to be identified, in the same way as that of the 267 persons, who would be given allotments after the completion of the proposed construction.

No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



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Chennai.

+1 CC to M/s.SPL GP (SR-4616[F],SR-4248[F] dated 11/02/2021)

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-4183[F] dated 10/02/2021)

+1 CC to M/s.S.LOUIS, Advocate (SR-4355[F] dated 10/02/2021)

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