



WEB COPY



W.P.No.41541 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.12.2023

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.41541 of 2016
and Cont.P.No.508 of 2017

W.P.No.41541 of 2016

Pon.Thangavelu

... Petitioner

Vs.

- 1.The Commissioner,
Corporation of Chennai,
Chennai – 600 003.
- 2.The Director General of Income Tax (Investigation),
Tamil Nadu & Puducherry,
No.108, Nungambakkam High Road,
Chennai.
(Amended as per Order dated 24.01.2017
by CJ & MSJ in W.P.No.41541 of 2016)
- 3.V.Annamalai
- 4.The State Election Commission,
Jawaharlal Nehru Road,
Koyambedu, Chennai.
- 5.Chief Metropolitan Development Authority,
Rep. by its Member Secretary,
Gandhi Irwin Road,
Egmore, Chennai.



W.P.No.41541 of 2016

(R4 & R5 are suo-mottu impleaded
as per Order dated 25.11.2016 by NKKJ
in W.P.No.41541 of 2016)

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6.The Director General of Police,
Mylapore, Chennai.
(R6 is impleaded as per order dated 02.12.2016
by NKKJ in W.P.No.41541 of 2016)

7.The Tahsildar,
Sholinganallur, Chennai.
(R7 impleaded as per Order dated 24.01.2017
by CJ and MSJ in W.P.No.41541 of 2016).

8.The District Collector,
Chennai.
(R8 Suo motu impleaded vide order dated 18.07.2023
made in W.P.No.41541 of 2016 by JNBJ and NMJ)

9.A.Banupriya

10.A.Jachintha Priyakumari
(R9, R10 impleaded as Lrs of deceased R3 vide
order dated 08.09.2023 made in WMP.No.19055 of 2023
in W.P.No.41541 of 2016 by JNBJ and NMJ)

11.The Secretary,
Revenue Department, Fort St. George,
Chennai – 600 009.
(R11 suo motu impleaded vide order dated 08.09.2023
made in W.P.No.41541 of 2016 by JNBJ and NMJ)

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider my representation dated 04.10.2016 and pass appropriate orders to grant compensation for the loss suffered by the petitioner in the floods occurred in November 2015.



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For Petitioner : Mr.A.P.Suryaprakasam
For R1 : Mr.G.T.Subramaniam
Standing Counsel
For R2 : Mr.A.P.Srinivas
For R3 : Mr.N.Selvaraju
For R4 : Mr.B.Kumar, Senior Counsel for
Mr.B.Nedunchezhiyan
For R5 : Mr.C.Manoharan
For R6, R7 & R8 : Mr.Stalin Abimanyu
Additional Government Pleader

CONT.P.No.508 of 2017

Pon.Thangavelu

... Petitioner

Vs.

Mr.George,
The Commissioner of Police,
O/o.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai – 600 007.

... Respondent

PRAYER:

Contempt Petition is filed under Section 11 of Contempt of Court Act, 1971, to punish the contemnor for willful disobedience of the order dated 02.12.2016 in W.P.No.41541 of 2016 by the Hon'ble High Court.

For Petitioner : Mr.A.P.Suryaprakasam

COMMON ORDER



W.P.No.41541 of 2016

[Order of the Court was made by J.NISHA BANU,J.]

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W.P.No.41541 of 2016 has been filed to direct the respondents 1 and 2 to consider the representation dated 04.10.2016 and to pass orders to grant compensation for the loss suffered by the petitioner in the floods occurred in December 2015.

Contempt Petition 508 of 2017 has been filed to punish the contemnor for willful disobedience of the order dated 02.12.2016 in W.P.No.41541 of 2016 by the Hon'ble High Court.

2. In the writ petition, the petitioner submitted that due to rampant corruption and maladministration in the affairs of Corporation of Chennai, illegal tax assessments was found and he filed representation seeking the competent authority to take action.

3. The learned counsel for the petitioner submits that there were violations of CMDA rules in putting up construction by the 3rd respondent, who filed nomination for the Municipal Corporation of the year 2011 and 2016 and the petitioner filed representation and further filed Writ Petitions before this court, seeking necessary direction to CMDA and Greater Chennai Corporation to prevent illegal construction.



4. The learned counsel for the petitioner would further submit that this court has given direction to the 2nd respondent to file status report as to whether the third respondent was an assessee and whether the disclosure of the assets has been made. This court further directed the 3rd respondent to file an affidavit as to why he has not disclosed about his assets and the status of the assets. Further, in the Contempt Petition arising out of non compliance of the direction of this court, direction was given to the Deputy Secretary to Government, Revenue and Disaster Management Department, Secretariat, Chennai to file status report in the light of December 2015 floods and the loss of properties. The authority filed status report pointing out the steps taken for eviction of encroachment.

5. Heard both sides and perused the records and the orders passed by this court.

6. Pursuant to the directions passed by this court in the Writ Petition as well Contempt petition, 11th respondent-Secretary Revenue Department filed status report. It is stated that 11th respondent is taking appropriate steps to reclaim the lands as furnished by the Tahsildar, Sholinganallur Taluk. 7th respondent submitted a report giving the details of the Government lands encroached by 3rd respondent during his tenure as Councilor. Further, it is stated that they issued notice to all encroachers; however, the



W.P.No.412 of 2022

said encroachers have filed SLP before Supreme Court and got orders to maintain status quo as on 14.07.2022; hence, further action could not be taken by the Tahsildar, Sholinganalur to evict the encroachment. It is also stated that in water course poromboke lands, due process of law is followed to evict the encroachers.

7. Recording the status report filed by the 11th respondent, the writ petition is disposed of with a direction to the respondent Nos.1, 7 and 11 to take further enforcement action, within a period of three months from the date of receipt of a copy of this order. No costs.

8. In view of the direction issued as stated supra, the contempt petition is closed as infructuous.

[J.N.B.J.] [N.M.J.,]
01.12.2023

Index : yes/no

Internet : yes/no

Speaking order/Non-speaking order

ah/nvsri

NOTE: ISSUE ORDER COPY ON 11.09.2024

To

6/8



W.P.No.412 of 2017

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- 1.The Commissioner,
Corporation of Chennai,
Chennai – 600 003.
- 2.The Director General of Income Tax (Investigation),
Tamil Nadu & Puducherry, No.108, Nungambakkam High Road,
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Rep. by its Member Secretary,
Gandhi Irwin Road, Egmore, Chennai.
- 5.The Director General of Police,
Mylapore, Chennai.
- 6.The Tahsildar, Sholinganallur, Chennai.
- 7.The District Collector, Chennai.
- 8.The Secretary, Revenue Department, Fort St. George,
Chennai – 600 009.



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J.NISHA BANU, J.
&
N.MALA, J.

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01.12.2023