



W.P.No.33981 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.33981 of 2017

1. Sundar.P
2. Karthikeyan
3. D.Kala
4. R.Sugumar
5. M.Veeran
6. Luyis Mariyageorge
7. Doss Anthony
8. Babu
9. Gowri Manmadhan
10. B.Jayaram
11. Jothi M
12. M.Anbarasu
13. Murugan Veeragavan
14. D.Palanikumar
15. Anbu Thulukanam
16. Sasikumar
17. Raguram
18. Amaravathi
19. Baby
20. Mangalakshmi Lakshmipathi
21. Rajam K
22. M.Vijaya
23. Selvakumari R
24. Annammal Durai



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25. Mallika K
26. B.Anuradha
27. Babu
28. D.Kala
29. Lakshmi A
30. Sampath
31. Suresh Kubendiran
32. Punniyakotti E
33. Murali Punniyakotti
34. Uthami Sundaram
35. N.Ramani
36. Kumar K
37. Amudha
38. Prabhakaran Venugopal
39. Saline Kuppusamy
40. Malathy Kalyanasundaram
41. D.Mangalakshmi
42. Sharmila
43. D.Arumugam
44. Palayam Santhanam
45. Thirusanku Chinnaiyan
46. Loganathan
47. Radhakrishnan L
48. Ganesh Munuswamy
49. Shakila Palayam
50. Siva Michael
51. Murugan Nagappan
52. Raja Vedhamanickam
53. Rubanathan
54. Sundaram.N
55. Annamalai Naliyappan
56. Kanthimathi Sokkalingam
57. Anandan Kannan
58. Suresh Veeragavan
59. Ramki
60. Selvi
61. Vijaya S
62. Selvamani



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63. Anandham.S
64. Shankar
65. Narayanasamy Devan
66. Murugan Subramani
67. Elangovan
68. Jayaram B
69. Nesaraj
70. M.Veeran
71. Appavu Subramani
72. Kuttyappan.S
73. Badma
74. B.Kalyanai
75. Kanniyammal
76. Amirtham.P
77. Saravanan
78. Vembu Ammasi
79. Rajeswari Manokaran
80. Manikandan
81. Ravichandran
82. Anjalai.S
83. Karunakaran.V
84. V.Janaki
85. Malliga
86. Mageshkumar Venu
87. Ashokkumar Venu
88. Sathiyaseelan Venu
89. Ganapathy.S
90. Veenus Baby V
91. Sumathi Thenarasu
92. Lakshmi
93. Radhakrishnan
94. Janagiraman Valmurthy
95. Mari
96. Elizabeth Yuvanjalini Ashokkumar
97. Surya Arumugam
98. Sivakumar Arumugam
99. Selvaraj Narasimman
100. Kanniyammal Venugopal



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101. Suriya Babu R
102. Durai Sanmugam
103. Rajesh Durai
104. Annammal Durai
105. Elangovan
106. Sam Perumal
107. Stalin Perumal
108. Prameela Perumal
109. D.Rajakumar
110. Rajendran.P
111. Mani Santhanam
112. Siva.S
113. Devi.R
114. Thuruvavukarasu
115. Rajenthiran
116. R.Kalaivanan
117. Manonmani Dhayalan
118. P.Doss
119. Marimuthu.S
120. Banumathi Arumugam
121. Arayyamma.V
122. Vincent Vadhaclam
123. Dharani Kumar.S
124. Amaravathy Raja
125. Vimal Paramasivam
126. Ashok Paramasivam
127. Kuppyswamy Muthu
128. Kumar Sundaram
129. S.Saraswathy
130. Venugopal Ponnusamy
131. Vengaiya
132. Kuppan
133. Jayaraman Santhanam
134. Ravi Thulakannam
135. D.Kumar
136. Jayakumar.D
137. Rajashekar
138. B.Vadivelu



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139. Logidassan
140. Dilliyamal B
141. Paramasivam Vellai
142. Saratha Munnusamy
143. Thulasi S
144. Gopal M
145. Selvaraj Kuppan
146. Padma R
147. Annammal
148. Mani Eatti
149. Gubendran
150. Maran Chinnapaiyan
151. M.Anthoni
152. Duraisami T
153. Rani A
154. M.Veran
155. Kirubaimariyal
156. D.Rose
157. M.Selvi
158. Govindhasami
159. K.Arumugam
160. D.Babu Sekar

.. Petitioners

Vs.

1. The State of Tamil Nadu
Represented by its Principal Secretary
to Government Municipal Administration &
Water Supply Department
Fort St. George, Chennai – 600 009.
2. The State of Tamil Nadu
Represented by its Principal Secretary
to Public Works Department
Fort St. George, Chennai – 600 009.
3. The District Collector
District Collectorate, Thiruvallur.



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4. The Commissioner
Thiruverkadu Municipality
Thiruverkadu.

5. The Tahsildar
Poonamallee.

.. Respondents

[R5 suo motu impleaded vide
order dated 02.04.2018]

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus, forbearing the respondents 1 to 4 their men, agents or anybody claiming through them from in any manner attempting to evict the petitioners from the subject property in Survey No.1/1A, 1/1B and 114/1, Thiruverkadu Village pending disposal of the petitioners' representation dated 18.05.2015.

For the Petitioners : Mr.M.A.Gouthaman

For the Respondents : Mr.J.Ravindran
Additional Advocate General
Assisted by
Mr.A.Selvendran
Special Government Pleader
for Respondents 1 to 3

Mr.R.Mohandoss
for Respondent-4

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioners seek a writ of Mandamus forbearing the respondents 1 to 4 from in any manner attempting to evict them from



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the subject property in Survey Nos.1/1A, 1/1B and 114/1, Thiruverkadu Village, pending disposal of their representation dated 18.05.2015.

2. The third respondent has filed a detailed counter affidavit stating that they did not intend to evict the people living in patta lands, but only the people who have encroached the Coovam River Poramboke. The relevant paragraph, namely paragraph 3, is extracted as under:

"It is submitted that the land in Survey No.1/1B and 114/1 are Grama Natham Patta lands and the proposed eviction is not intended to those people living in patta lands. The Survey No.1/1A of Thiruverkadu is a Coovam River Poramboke. The Petitioners have encroached the River Poramboke by way of Construction of houses. The Government of Tamilnadu is implementing the integrated Coovam River ECO Restoration Project under the aegis of the Chennai River Restoration Trust (CRRT) as per the orders of the Hon'ble National Green Tribunal (NGT) Southern Zone Chennai. The administration sanction for the implementation of the scheme has been sanctioned by the government vide G.O.Ms.No.9 MA & WS (MCL) Dept dated 13.01.2015. The



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Main work carried out in this project is desilting and widening of River, removal of solid waste, review channel improvement, River front development works, Resettlement and Rehabilitation of project affect families on account of eviction of encroachments."

3. Taking note of the statement made in the counter affidavit that the land in Survey Nos.1/1B and 114/1 are Grama Natham patta lands and the land in Survey No.1/1A is a Coovam River Poramboke, a Division Bench of this Court, by order dated 02.04.2018, has given liberty to the respondents to remove the encroachments in accordance with law. The relevant portion of the said order reads as under:

"4. In the light of the same, the order of ad-interim injunction granted by this Court dated 28/12/2017, as extended, is modified to the effect that petitioners shall not be dispossessed except in accordance with law from the site/ superstructures in question in Survey Nos.1/1A, 1/1B, 114/1, Thiruverkadu Village, till 18.06.2018. It is also made clear that till the disposal of the writ petition, the petitioners shall not create any third party rights in respect of the site/ superstructures in question and shall not alter it's physical features also."



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5. In view of the above, this writ petition is disposed of directing the fifth respondent to issue notice to the petitioners within one week from the date of receipt of a copy of this order, calling upon them to submit their explanation, along with the relevant documents, as to why they should not be evicted from the land in Survey No.1/1A, which is a Coovam River Poromboke and on receipt of such explanation of the petitioners, he shall consider the same and pass a speaking order, on merits and proceed further in accordance with law. There will be no order as to costs. Consequently, WMP Nos.37700 and 37701 of 2017 are closed.

(T.R., ACJ.) (D.B.C., J.)
27.02.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

1. The Principal Secretary
Government Municipal Administration &
Water Supply Department
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The State of Tamil Nadu
Public Works Department
Fort St. George, Chennai – 600 009.
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Thiruverkadu.
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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J
(kpl/drm)

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