



W.P. No. 15009 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2023

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No. 15009 of 2017

&

W.M.P. No. 16247 of 2017

Manali Mahalakshmi Nagar,
Kudiyiruppor Nalla Sangam,
No.85/18, Kalinga Street,
Manali Mahalakshmi Nagar,
Manali Pudu Nagar, Hut Area,
Ponneri, Thiruvallur District
rep. by its President Mr.A. Govindan

..Petitioner

Vs.

1. The District Collector,
O/o. Collectorate,
Thiruvallur District.

2. The Member Secretary,

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Chennai Metropolitan Development
Authority, Gandhi Irwin Road,
Egmore, Chennai 600 008.

3. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai 600 003.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents not to evict the petitioner association members from the petition schedule property without following due process of law and consequently allot alternative accommodation by considering the petitioner's representation dated 13.06.2016 within the time frame fixed by this Hon'ble Court.

For Petitioner :: Mr.K. Seetha Ram

For Respondents :: Mr.J. Ravindran,
Additional Advocate General
assisted by
Mr.A. Selvendran,
Special Govt. Pleader for R1
Mr. Karthick Rajan,
Standing Counsel for R2
Mr.G.T. Subramanian
Standing Counsel for R3

ORDER



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(Order of the Court was made by **S. Vaidyanathan,J.**)

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The writ petition has been filed for issue of a Writ of Mandamus directing the respondents not to evict the petitioner association members from the petition schedule property without following due process of law and consequently allot alternative accommodation by considering the petitioner's representation dated 13.06.2016 within the time frame fixed by this Court.

2. The case of the petitioner association is that its members are residents of Mani Mahalakshmi Nagar, Manali Pudu Nagar Hut Area, Elayanchavadi Village, Ponneri Taluk, Thiruvallur District in Survey No. 353 at Ward No.15, i.e, the petition schedule property. The members of the petitioner association have been issued with Family Card, Aadhar Card, Voter ID, Electricity etc and they have been paying taxes. According to the petitioner association, its members are basically agricultural labourers and presently, construction labourers. Even according to the petitioner association, the petition schedule property, as per the revenue records, is a "Government Poramboke land". The grievance of the petitioner is that the



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2nd and 3rd respondents are trying to evict the members of the petitioner association without providing any alternative accommodation. Though, over the years, the petitioner association made several representations to the 1st respondent, either to issue patta or to give alternative accommodation, but nothing fructified and the respondents, without any notice or due process of law or by allotting any alternative accommodation, are trying to evict the petitioner association members. Therefore, the petitioner association again submitted a representation dated 13.06.2016 to the 1st respondent to allot an alternative accommodation. But, no action was taken. Hence, the present writ petition.

3. The 3rd respondent has filed a counter stating that Edayanchavadi Panchayat was merged with Greater Chennai Corporation vide G.O.Ms. NO. 97 Municipal Administration and Water Supply Department dated 19.07.2011. Thereafter, the administration has been taken over by the Greater Chennai Corporation and that the claim made by the petitioner will have to be addressed by the Chennai Metropolitan Development Authority, the 2nd respondent herein. Moreover, the counter



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also states that the Tamil Nadu Slum Clearance Board had identified 90 families in Mahalakshmi Nagar and enumeration for the 90 families were carried out by them.

4. Heard the submissions of all parties.

5. When the matter is taken up, it is submitted on behalf of the respondents that encroachments on the petition schedule property, which belongs to the 2nd respondent, have been removed and alternative sites have been provided to those who have been evicted and as such nothing remains for adjudication.

6. Before we part with this case, a few observations are to be made. There is no evidence to show that the petitioner association members are landless poor and no documents have been produced before this Court to substantiate the same. It is rather unfortunate that in this State, encroachers are bestowed with better benefits than lawful owners, by which, the message that is conveyed by the Government to its citizens is "Better encroach upon



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Government Lands and Demand Alternative sites which will be given by the Government. We are of the view that the Government is setting a bad example by doing so and it needs to be curtailed. For a moment, we are not against the Government granting patta to landless poor, but whether the 90 families identified and granted alternative sites are really genuine and deserving or not is a crucial question to be pondered over.

7. In view of the submission made that encroachments have been removed, the writ petition stands closed. No costs. Connected W.M.P. is closed.

nv

(S.V.N.J.) (K.R.S.J.)
25.07.2023

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S. VAIDYANATHAN,J.



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