



WEB COPY



W.P.No.29038 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

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1. Marimuthu
2. Muthu
3. Selvam
4. Krishnaraj
5. Babu
6. Anjammal
7. Dhandabani
8. Sakthivel
9. Kannan
10. Vasantha
11. Jagan
12. Sakundhala
13. Ravi
14. Malliga
15. Rama

Vs.

.. Petitioners

1. The District Collector
Cuddalore District, Cuddalore.
2. The Tahsildar
Chidambaram Taluk Office
Cuddalore District.
3. The Assistant Engineer



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Water Resource Department
Khan Sahib, Canal Unit
Chidambaram, Cuddalore District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents to allocate any alternate site for the petitioners to transfer and set up their residence for their livelihood and survival of their life and consequently directing the respondents not to disturb their peaceful possession in the above said land situated in Cuddalore District, Chidambaram Taluk, Usuppur revenue Village, bearing Survey Number 100 to 103 and other relevant survey numbers, till the allocation of alternate site for the petitioners by considering the representations dated 22.11.2023 and 11.09.2024 under compassionate ground.

For Petitioners : Mr.C.R.Gokulvisvas

For Respondents : Mr.A.Edwin Prabakar
State Government Pleader
for Respondents 1 to 3

ORDER

(Order of the Court was made
by the Hon'ble Chief Justice)

The prayer in the petition is to direct respondents to allocate an alternate site to petitioners.

2. According to learned counsel for petitioners, petitioners have been paying tax. Electricity connection, pipelines, drinking water connection etc. are given to petitioners. But, despite all these, petitioners are being told



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to vacate from the area where they have been living for years. To a query posed by the Court, learned counsel was candid to say that petitioners are not owners of the land, but they have been living in that land for three or four decades.

3. Petitioners are seeking a direction to respondents to allocate an alternate site by considering the representations made by them and until then, they should not be evicted.

4. Learned State Government Pleader has placed on record a communication dated 28.09.2024 received by him from the Executive Engineer, Water Resource Department, Chidambaram, which is taken on record and marked as 'X' for identification. A copy has been supplied to learned counsel for petitioners.

5. It is also undisputed by the petitioners' counsel that petitioners are occupying a major drain cum irrigation canal land called Muthaiyapillai drain. It is stated that Muthaiya Pillai drain is purely a drain which branches from Khan Sahib canal and flows through Chidambaram Town,



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Usuppur and Thiruvakulam Villages and confluences with Uppanar drain.

Petitioners are undoubtedly encroachers on waterbodies and the eviction process has been going on for sometime. The relief sought is to allot alternate site to petitioners. In our view, we cannot issue such a direction to respondents. Petitioners may make a representation to the State and the State may consider the same on merits. We feel that if every encroacher is directed to be given alternate site, it will amount to encouraging encroachers.

6. The writ petition is dismissed. There shall be no order as to costs. W.M.P.No.31683 of 2024 filed to permit the petitioners to join together and file a single writ petition is allowed. W.M.P.No.31685 of 2024 is closed.

(K.R.SHRIRAM, CJ)

(D.KRISHNAKUMAR,J.)

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Index : Yes/No

Neutral Citation : Yes/No

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