



WP No.28243/2017 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**Suo Motu WP No.28243 of 2017;
and WP Nos. 5704 and 4370 to 4378 of 2016**

Suo Motu WP No.28243 of 2017

- 1.The Chairman,
Disaster Management Committee,
Secretariat, Chennai 9
- 2.The State of Tamil Nadu,
rep. By the Chief Secretary,
Fort St.George, Chennai 9
- 3.The State of Tamil Nadu,
rep. By the Principal Secretary,
Revenue Department,
Fort St.George, Chennai 9
- 4.The State of Tamil Nadu,
rep. By the Principal Secretary,
Public Works Department,
Fort St.George, Chennai 9
- 5.The Chief Engineer,
Public Works Department,
Ezhilagam, Chennai 5
- 6.The District Collector,
Kanchipuram District



WP No.28243/2017 etc. batch

7.The Tahsildar,
Sripermbudur Taluk,
Kanchipuram District

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to remove the encroachments of the obstructions in the water flow area of Varadarajapuram Village (Part of Adyar River) and to implement G.O.(4D) No.7, Public Works (T2) Department dated 17.10.2016 for widening as per revenue records desilting and standardisation of the banks of Adyar River and submit a report of the above compliance before this Court expeditiously.

For Respondents : Mr.A.Edwin Prabhakar,
State Government Pleader

COMMON ORDER

(Made by the Hon'ble Chief Justice)

We have heard Ms.V.Pavithra, learned counsel for the petitioners in WP Nos.4370 to 4378 of 2016 and Mr.A.Edwin Prabhakar, learned State Government Pleader, appearing for respondents.

2. This Court had taken *suo motu* cognizance of the fact that removal of encroachments obstructing the water flow up to Vardarajapuram Village (part of Adyar river) was not undertaken and the implementation of G.O.(4D) No.7, Public Works Department, dated 17.10.2016, for widening, de-silting and standardisation of the banks of Adyar river also was not undertaken.



WP No.28243/2017 etc. batch

3. Time to time, status reports were submitted by the Government. Under order dated 11.12.2023, we had recorded that out of 214 encroachments, 188 encroachments were evicted up to December 1, 2017 leaving a balance of 26 encroachments, which could not be evicted because of the interim orders passed by this Court. We had also recorded that the State is providing alternative sites in various survey numbers as detailed in the order dated 11.12.2023.

4. On 18.01.2024, the Tahsildar has placed on record, the details of classification of the land and the encroachers therein. The relevant excerpts of the same are detailed hereunder:

"The details of the encroachers in the Survey Nos.242, 246/1 have been surveyed and Form 1 and Form 2 were issued to the Public Works Department, further to that Form 3 has been issued to all the encroachers including the above mentioned encroachers by the Public Works Department and the encroachments have been removed by the Public Works Department. The writ petitions in the Column 8 have been pursued by the encroachers found in the above table. The Hon'ble Madras High Court has granted an interim injunction to remove the encroachments erected by the encroachers.



WP No.28243/2017 etc. batch

In this situation, Kanchipuram District, Kundrathur Taluk, Varadharajapuram Village, if the encroachers (6 encroachers in the S.No.242 and 6 encroachers) will accept reports will be sent to the District Collector, Kanchipuram, to accommodate in the flat under construction by the Tamil Nadu Government Urban Development Board. I humbly inform you that action will be taken to send a proposal to Kanchipuram District Collector for allotment."

5. On or about November 2023, steps that were being undertaken were detailed in the status report filed by the fifth respondent.

6. The learned counsel for the petitioners in WP Nos.4370 to 4378 of 2016, on instructions, submits that the petitioners would move to the place they are being sought to be rehabilitated, and that the Tahsildar has assured that action will be taken to send a proposal to the District Collector, Kanchipuram, for allotment.

7. The learned State Government Pleader submits that the alternate site/ accommodation will be provided within two months.



WP No.28243/2017 etc. batch

Upon the same being offered, the petitioners in all these writ petitions shall vacate the encroachments. In spite of providing/ offering for alternate accommodation, if the petitioners do not vacate the encroachments, then, the respondents are entitled to evict them.

8. With these observations, the *suo motu* writ petition and the connected writ petitions are disposed of. There shall be no order as to costs. Consequently, WMP Nos.3720 to 3728, 5055 of 2016 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

05.03.2024

Index : Yes/No
Neutral Citation : Yes/No
tar

To

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Disaster Management Committee,
Secretariat, Chennai 9
- 2.The Chief Secretary, Fort St.George, Chennai 9
- 3.The Principal Secretary,
Revenue Department, Fort St.George, Chennai 9
- 4.The Principal Secretary,
P.W.D., Fort St.George, Chennai 9
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Public Works Department, Ezhilagam, Chennai 5



WP No.28243/2017 etc. batch

THE HON'BLE CHIEF JUSTICE

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