



WEB COPY



W.P.No.35066 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.35066 of 2019
and
W.M.P.No. 35855 of 2019

K.Ganesan

... Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Ribbon Building, Chennai-2.

2. The Director,
Town and Country Planning,
Pachayappa Trust Building,
Anna Salai, Chennai-2.

3. The Thasildhar,
Aminjikarai Taluk,
Chennai-600030.

4. The Tamil Nadu Slum Clearance Board,
JJ Complex, Thirumangalam,
Chennai-40.

5. The Executive Engineer,
Zone 8, Greater Chennai,
Corporation of Chennai,
Villivakkam, Chennai.

... Respondents



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Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in proceedings nil, dated nil, on the file of the 5th respondent and quash the same as illegal incompetent without jurisdiction and further direct the 3rd respondent to issue patta for the property in Old Survey No. 249 and New Survey No. 6 Annai Sathya Nagar, Door No. 49/ 52, 2nd Street Villivakkam.

For Petitioner : Mrs.V.Srimathi

For Respondents : Mr.E.C.Ramesh, Standing Counsel
(for R1 & R5)

Mr.A.Sevendran, Special Govt.Pleader
(for R2 & R3)

Mr.B.Balaji, Standing Counsel
(for R4).

ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

The Public Notice, issued by the Chennai Corporation, for removal of encroachments in water bodies, is under challenge in the present writ petition.

2. The Corporation authorities found encroachments in water bodies/river. Thus, actions were initiated to evict the encroachers.



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3. It is needless to state that if such encroachers of water bodies/river are landless poor people, then steps are to be taken to provide them alternate accommodation through Tamil Nadu Urban Habitat Development Board, by allotting tenements in the available projects. The allotment of an alternate tenement through Tamil Nadu Urban Habitat Development Board is subject to the fulfilment of the eligibility criteria and payment of necessary charges.

4. However, eviction of encroachers from water bodies are inevitable and free flow of water in city areas are to be protected. Thus, the respondents are directed to identify the encroachers in the water bodies /river and accordingly, communicate the list of eligible persons for providing alternate accommodation through Tamil Nadu Urban Habitat Development Board.

5. Chennai Corporation is directed to ensure that all encroachments in water bodies are removed and free flow of water and water resources are to protected for public good. The said exercise is directed to be completed within a period of twelve (12) week from the date of receipt of a copy of this order.



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6. With the above directions, the writ petition stands disposed off.

No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.J.,)

(K.R.S.J.,)

27.02.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)

To

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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

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