



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

WP No. 42570 of 2025

1. A.Oliyullah

Petitioner(s)

Vs

1. The Additional Chief Secretary
Tamilnadu Revenue And Disaster
Management Department, Secretariat,
Chennai-600 009

2.The District Collector
Thiruvallur Collectorate,
Thiruvallur District-602 001

3.The Tahsildar
Ponneri Tahsildar Office,
Ponneri-600 060

4.The Commissioner Of Police
Avadi Commissioner Officer,
Avadi, Chennai-600054

5.The Inspector
E-5 Sholavaram Police Station,
Sholavaram,
Tiruvallur District-600 067

Respondent(s)



PRAYER

Directing the 1st respondent not to evict petitioner without providing alternate land similar to the alternate land provided to other residents in Survey No.82/1(extent 0.50.50 acres)and 82/2A (extent 0.32.50 acres), Sholavaram Village, Ponneri Taluk, Tiruvallur District.

For Petitioner(s): Mr.K.Bharathi

For Respondent(s): Mr.M.S.Premkumar,
Government Advocate For R1 To 3
Mr.M.Babu Muthu Meeran,
Additional Public Prosecutor For R4-5

ORDER

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

Writ of mandamus has been instituted to direct the 1st respondent not to evict the petitioner without providing alternate land similar to alternate land provided to other residents in Survey No.82/1(extent 0.50.50 acres)and 82/2A (extent 0.32.50 acres), Sholavaram Village, Ponneri Taluk, Tiruvallur District.

2. Petitioner is found to be an encroacher of water body. Thus, competent Authority has initiated eviction proceedings.

3. Learned counsel for the petitioner would submit that petitioner has already been evicted. However, petitioner seeks an alternate accommodation.

4. Though alternate accommodation cannot be claimed as an absolute right, Government has to consider deserving cases for providing alternate accommodation. Several welfare schemes are in force for the benefit of



landless poor people, and after ascertaining the eligibility of such landless poor people, suitable alternate accommodation may be provided strictly in terms of scheme, which is in force. However, High Court in exercise of powers of judicial review under Article 226 of Constitution of India cannot issue directions to allocate an alternate accommodation, which would not fall within the realm of powers of Judicial Review.

5. Taking note of the fact that petitioner was evicted from water body and as per learned counsel for petitioner that he is a landless poor person, his case may be considered based on the application, if any, received by competent authorities.

6. With these observations, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.SUBRAMANIAM J.)(C.KUMARAPPAN J.)

02-12-2025

gd

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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