

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petitions for Special Leave to Appeal (C) No(s).20061-20062/2008
(From the judgement and order(s) dated 29/04/2008 in WP
No.16636/1995 and WP No.22274/2007 of The HIGH COURT OF MADRAS)

SIVAKASI REGION TAX PAYERS ASSN.

Petitioner(s)

VERSUS

STATE OF T.NADU & ORS.

Respondent(s)

(With appln(s) for impleadment, impleadment as party respondent and
prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

Date: 19/10/2011 These Petitions were called on for hearing today.

CORAM :

- HON'BLE MR. JUSTICE D.K. JAIN
- HON'BLE MR. JUSTICE ANIL R. DAVE
- HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. V. Krishnamurthy, Sr. Adv.
Mr. Santharam, Adv.
Mr. L.G. Sahadevan, Adv.
Mr.Senthil Jagadeesan, Adv.

For Respondent(s) Mr. B. Balaji, Adv.
Mr. Sayeedav, Adv.
Mr. Subramonium Prasad, Adv. (NP)

Mr. S.R. Setia, Adv.
Mr. R. Ayyam Perumal, Adv.

For Impleading party Mr. P.R. Kovilan Poongkuntran, Adv.
Ms. Geetha Muthu Perumal, Adv.
Mr. R.V. Kameshwaran, Adv.

For Impleading party Mr. Gautam Narayan, Adv.

UPON hearing counsel the Court made the following
O R D E R

In the affidavit, dated 29th August, 2011, filed
by the District Collector, Virudhnagar, Tamil Nadu,

..2/-

: 2 :

it is stated that insofar as 138 encroachers of
Sirukulam (Thanthai Periyar Nagar) are concerned,
suitable land has been identified to rehabilitate
them, by way of assignment of a house site on land
measuring 1.5 cents per head in semi urban areas. It
is further stated that basic amenities, such as path
way, road, drainage, community hall etc. are to be
provided and, therefore, the total requirement of the

land for the said purposes would be around 3 acres.

At the outset, we deem it necessary to clarify that so far in none of the orders passed by this Court in these proceedings, any direction has been issued to the State to relocate/rehabilitate the encroachers on any Government land. In fact, we are of the opinion that an encroacher on a Government land has no legal right of relocation/alternative accommodation.

Be that as it may, the State Government having already taken a decision to relocate 138 encroachers in the aforesaid area, we leave it to the wisdom of the State Government to take a final decision in this regard. Nevertheless, this exercise cannot be endless, inasmuch as the encroachers on Government land have to be evicted/removed in the shortest possible time.

..3/-

: 3 :

Under the circumstances, we hereby direct the State Government, through the concerned District Collector to take appropriate steps to ensure that 138 encroachers, referred to in aforementioned affidavit, are removed as expeditiously as possible and, in any case, not later than 4 months from today. A report on the action taken in terms of this order shall be filed by the District Collector on or before 15th March, 2012, failing which he shall remain present in this Court on the next date of hearing to enable us to make appropriate orders in the case. We further direct that no encroachment on the said land and the water body known as 'Sirukulam Kanmai' shall be permitted.

As regards the other group of 341 encroachers in Arignar Anna Colony, we direct the District Collector to file a fresh affidavit, clearly stating as to what action is being taken to remove the encroachers from

the said area. The requisite affidavit shall be filed within four weeks. In the said affidavit, it will be clearly stated as to how many alleged encroachers have been issued pattas and under which policy.

List immediately after four weeks.

[Charanjeet Kaur]
Court Master

[Kusum Gulati]
Court Master