



W.P.No.15551 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Information and Resource Centre  
for the Deprived Urban Communities (IRCDUC)  
Rep. by its Managing Trustee, Vanessa Peter,  
No.42, M.S.Nagar, 3rd St., Chetpet, Chennai-31.

.. Petitioner

Vs

1. The Government of Tamilnadu,  
Rep. by Secretary to Govt.,  
Housing and Urban Development Department,  
Fort St. George, Chennai-600 009.
2. The Government of Tamilnadu,  
Rep. by secretary to Government,  
Revenue Department,  
Fort St. George, Chennai-600 009.
3. The Government of Tamilnadu,  
Rep. by Secretary to Government,  
Public Works Department,  
Fort St. George, Chennai-600 009.
4. The Member Secretary,  
The Chennai Rivers Restoration Trust,  
Adyar Eco-Park, No.6/103, Dr.D.G.S.Dinakaran Salai,  
Raja Annamalaipuram, Chennai-600 028.



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5. The Managing Director,  
Tamil Nadu Slum Clearance Board,  
No.5, Kamarajar Salai,  
Chepauk, Chennai-600 005.
6. The Commissioner,  
Greater Chennai Corporation,  
Rippon Building, Poonamallee High Road,  
Chennai-600 003.
7. The District Collector,  
Chennai District,  
Rajaji Salai, Chennai-600 001.
8. The District Collector,  
Tiruvallur District,  
Tiruvallur-602 001.
9. The District Collector,  
Kancheepuram District,  
Kancheepuram-631 501.
10. The Commissioner of Police,  
Greater Chennai City, Vepery,  
Chennai-600 007.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents not to carry out arbitrary evictions without adhering to the due process as mandated by laws and polices and also to strictly implement and adhere to the guidelines, principles and polices of the government post eviction and resettlement locality.

For the Petitioner : Mr.R.Munuswamy



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For the Respondents : Mr.P.Muthukumar  
State Government Pleader  
assisted by Mrs.R.Anitha  
Special Government Pleader  
for respondents 1 to 3, 7 to 10

: Mr.A.Arun Babu  
Standing Counsel  
for 6<sup>th</sup> respondent

: Mr.G.Sivakumar  
for 5<sup>th</sup> respondent

ORDER

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

Heard Mr.R.Munuswamy, learned counsel for the petitioner; Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader, for respondents 1 to 3, 7 to 10; Mr.A.Arun Babu, learned Standing Counsel for the sixth respondent; and Mr.G.Sivakumar, learned Standing Counsel for the fifth respondent.

2. The writ petition is filed in public interest. The prayer in the writ petition is not to carry out eviction except in accordance with the provisions of law and to implement the policies and other

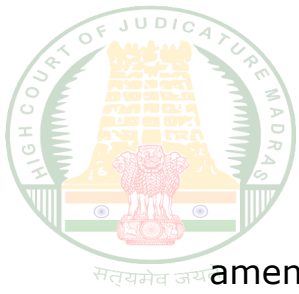


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guidelines of the government post-eviction and resettlement.  
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3. Learned counsel for the petitioner submits that in an indiscriminate manner evictions are carried out without providing for the basic amenities. According to learned counsel, primary education is now a fundamental right. Those persons who are evicted and sought to be rehabilitated at a distant place are not provided with educational opportunities and facilities. The government is required to frame proper guidelines in that regard.

4. According to learned State Government Pleader, in the present case, the persons were residing on the banks of the Cooum River. They had encroached along the banks of Cooum River. Resettlement and Rehabilitation of some families was carried out. About 14257 slum families have encroached upon the banks of the Cooum River in the precincts of the Greater Chennai Corporation. So far, 13514 slum families from the banks of Cooum River have been resettled in TNSCB tenements and the remaining 743 families will also be resettled and rehabilitated with all the benefits and



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amenities.  
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5. Learned State Government Pleader further submitted that those slum families that were rehabilitated were provided all the free basic amenities. They were provided free transportation from where they lived to TNSCB tenements and were provided food and water for three days as a part of resettlement. During shifting, special camps were conducted by Education Department to issue transfer certificate for admission in the schools at resettled sites. Medical camps were conducted during every shifting process. Even special arrangements were made to transfer Voter ID and Family Card (Rational Card) to the resettled place.

6. The schemes are in place. The schemes are laudable. The authorities have to oversee that the schemes are implemented in a proper manner. No doubt, while resettlement, better facilities are provided as per the guidelines. The same shall be implemented in its true letter and spirit.



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7. Under the Right of Children to Free and Compulsory Education Act, 2009, primary education is a fundamental right. It is the duty of the government to provide for basic primary education. Those who are being resettled are required to be provided access to education in the schools either run by the government, local authority or even private institutions. The government shall abide by the provisions of the Act of 2009 even in case of families which are resettled and rehabilitated after being evicted.

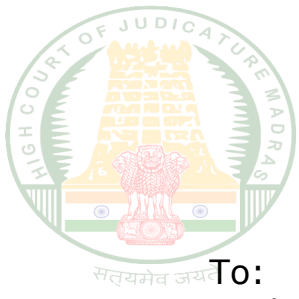
With these observations, the writ petition is disposed of.  
There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No  
Neutral Citation : Yes/No  
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To:

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