

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special original jurisdiction)

W.P. No.29811 of 2014


Vijaya, W/o. Kumar
and 59 others

- Petitioners

1. The State of Tamil Nadu
Represented by its Secretary,
Municipal Administration and
Water Supply Department.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.
3. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5 KamarajarSalai,
Chennai - 600 005.
4. The District Collector,
Chennai District,
SingaravelarMaligai,
Second Line Beach,
Chennai - 600 001.
5. The Inspector of Police,
G5, Police Station,
Otteri, Chennai - 600 012.
Respondents

Additional Counter Affidavit filed by the 3rd Respondent

I, Tmt. K.Porkodi, W/o. Nagappan, Hindu aged about 38 years having office at No.5, KamarajarSalai, Chennai - 600 005 do solemnly affirm and sincerely state as follows:


SECRETARY
TAMILNADU SLUM CLEARANCE BOARD
No. 5, Kamarajar Salai,
Chennai-600 005.

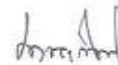
1. I am the Secretary, Tamil Nadu Slum Clearance Board, Chennai as such I am well acquainted with the facts of the case from the records of the Tamil Nadu Slum Clearance Board. I am filing this Additional counter affidavit on behalf of 3rd Respondent.

2. The slum families living in objectionable locations like water-course porambokes etc. which cannot be improved insitu alone are being resettled. The land owning departments of the waterways cannot permit insitu development on such locations by Tamil Nadu Slum Clearance Board. The other development parameters will not permit insitu residential development in objectionable locations. The Government of India have sanctioned the programme of construction of 44870 tenements in Chennai, Madurai and Coimbatore to resettle the slum families living in objectionable locations under Basic services to the Urban Poor (BSUP) component of Jawaharlal Nehru National Urban Renewal Mission (JNNURM).

3. The details of tenements constructed at OkkiamThuraipakkam are as given below:-

- OkkiamThuraipakkam - 6000 Tenements completed and ready for allotment to resettle the slum families
- 2048 Tenements completed and ready for allotment to Tsunami affected families

4. Tamil Nadu Slum Clearance Board has constructed 8048 tenements at Okkiam Thuraipakkam and Ezhil Nagar to resettle the slum families living in objectionable locations. These resettlement schemes are conceived as Integrated Townships and all the required basic and social infrastructures have been provided. The infrastructures such as Water Supply, Sanitation, Anganwadis, Primary Schools, High Schools, Higher Secondary Schools, Ration Shops are provided as per the norms and in consultation with their respective departments.



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Already 15,656 tenements allotted

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Sl. No.	Description	Infrastructures provided
1.	AnganwadiCentres run by ICDS	23 Nos.
2.	Centres for pregnant women and post-natal women and adolescent girls (Private institution)	23 Nos. X20
3.	Primary School	4 Nos.
4.	School run by NGO	1 No.
5.	Government Higher Secondary School	1 No.
6.	Fair-price Shops run by Government under Public Distribution System	10 Nos.
7.	Primary Health Centre	1 No.
8.	Private Hospitals	2 Nos.
9.	Private Clinics	3 Nos.
10.	Government Hospitals adjacent to resettlement site (at a distance of 3 K.M.)	1 No.
11.	Private Hospitals adjacent to resettlement site	4 Nos.
12.	GYM for slum youths in relocation site	1 No.
13.	Specially Health Centre	1 No.
14.	Public Transport	(a) Bus terminus (b) 310 services per day
15.	Police Station	1 No.

From the above it may be seen that Tamil Nadu Slum Clearance Board and the other line departments have provided all the infrastructure facilities adequately.


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5. The Okkiam Thuraipakkam scheme is situated on either side of OMR IT Corridor and construction activities are going on nearby. Besides, ample employment opportunities are available for semi-skilled and unskilled persons in the IT sectors. The private developers have provided more than 50,000 flats near Okkiam Thuraipakkam Scheme. The women in Okkiam Thuraipakkam are getting adequate employment in these areas.

6. Adequate transport services to various parts of the city have been provided to enable the workers to go to their places of work from Okkiam Thuraipakkam.

7. Tamil Nadu Slum Clearance Board has imparted employment oriented training for youth to get gainful employment.

8. All the amenities required for residential development have been provided as per norms. The resettled slum families are living there in a congenial atmosphere with ample opportunity for employment and livelihood.

9. Tamil Nadu Slum Clearance Board has programmed to implement resettlement near the city limits in various places. The slum families who were living in thatched houses in an unhygienic atmosphere with a 40 to 50 Sq. ft in congested locations without electricity, often subjected to the flood and fire accidents have been resettled in 390 sq. ft. plinth area tenements with all the required social and basic infrastructures as integrated township. The occupants of the tenements are living there peacefully with adequate employment opportunities, Hospital, School, Road, Police Station, Street Light, like facilities are available as per norms.

10. The Government have already constituted a High Level Committee under the Chairmanship of Chief Secretary to Government with Secretaries of the line Departments as Members in G.O. (Ms.) No. 117 Hg. & U D Dept. dated 26.08.2011 to resolve the post settlement issues of Rehabilitation and Resettlement Schemes and the composition of the Committee are as given below :-

1.	Chief Secretary to Government	Chairman
2.	Principal Secretary to Government, Finance Department	Member

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3.	Secretary to Government, Housing and Urban Development Department	Member
4.	Secretary to Government, Municipal Administration and Water Supply Department	Member
5.	Principal Secretary to Government, Health and Family Welfare Department	Member
6.	Principal Secretary to Government, Higher Education Department	Member
7.	Secretary to Government, School Education Department	Member
8.	Secretary to Government, Animal Husbandry, Dairying and Fisheries Department	Member
9.	Secretary to Government, Co-Operation, Food and Consumer Protection Department	Member
10.	Principal Secretary to Government, Environment and Forests Department	Member
11.	Secretary to Government, AdiDravidar and Tribal Welfare Department	Member
12.	Principal Secretary to Government, Home, Prohibition and Excise Department	Member
13.	Principal Secretary to Government, Revenue Department	Member
14.	Principal Secretary to Government, Rural Development and Panchayat Raj Department	Member
15.	Additional Chief Secretary to Government, Social Welfare and Nutritious Meal Programme Department	Member
16.	Secretary to Government, Transport Department	Member
17.	Secretary to Government, Youth Welfare and Sports Department	Member
18.	District Collector, Kancheepuram District	Member
19.	District Collector, Tiruvallur District	Member
20.	Commissioner, Chennai Corporation	Member
21.	Collector of Chennai	Member
22.	Chairman, Tamil Nadu Electricity Board	Member
23.	Managing Director, Tamil Nadu Slum Clearance Board	Member


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11. The above said committee resolved all the issues pertaining to the resettlement and monitor the availability of infrastructures. A meeting was held under the Chairmanship of Chief Secretary to Government on 12.06.2014 and the issues regarding the resettlement was discussed, and all issues were sorted out.
12. The slum families living in objectionable locations like river margins, road margins, etc. are to be necessarily resettled, as the land owning departments cannot part with their lands for insitu development. And other development parameters will not permit residential insitu developments.
13. The total plinth area of tenement is 390 sq. ft. Each tenement consists of a hall, a bed room, a kitchen alcove, balcony, separate bath and toilet. Each block will have lift with backup generator facilities, firefighting equipments will be provided as per norms. Each block has been divided into two with 12 tenements in one floor for better ventilation.
14. The State Government have announced Slum Free Cities Programme under Vision 2023. This programme envisages the provision of housing for all the slum families living in Cities, Municipal Towns and Town Panchayats before 2023. These slum families in objectionable locations are living in sub optimal conditions in thatched sheds in an unhygienic way mostly put up below maximum flood level and rendered homeless during monsoon every year need to be resettled in self-contained tenements.
15. All the infrastructures required for dignified human being are available in Okkiam Thuraipakkam Scheme. The photographs showing the amenities provided in these schemes are enclosed. The scheme of construction of tenements at Okkiam Thuraipakkam is under various stages of progress, all the infrastructures required for residential development will be provided. If there are any issues it will be taken to the High Level Committee constituted under the Chairmanship of Chief Secretary to Government and will be resolved.
16. The Managing Director / Tamil Nadu Slum Clearance Board has given instruction to all the elementary and Higher Secondary Schools to give admissions to the evicted families Chennai Corporation and C.D. Wing of Tamil

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Nadu Slum Clearance Board jointly conduct job fairs at Okkiam Thuraipakkam and recently the following companies participated.

- 1) Equitas
- 2) Isex Fashion
- 3) Infosys

324 persons who were educated upto 10th were employed in the job fair and their salaries range from Rs. 6000/- to Rs.13,000/- per month.

17. For graduates a salary of Rs.21,000/- is offered. The Chennai Corporation is recruiting nearly 25 numbers and the salary is approximately Rs. 9,000/- per month and the process is in the final stage. More jobs for Housekeeping in the nearby I.T. companies, Hospitals are in the offering for the people in Okkiam Thuraipakkam, since the scheme is situated in I.T. Corridor.

18. The resettled families who live in huts in sub optimal conditions in an area of 40 to 50 sq. ft. only often subjected to flood and fire accidents and without any basic amenities. But in OkkiamThuraipakkam there is no such threat to life. Hence when compared with original hutment, OkkiamThuraipakkam is far better. Now Tamil Nadu Slum Clearance Board is constructing nearly 400 sq. ft. plinth area tenements.

19. Eventhough the encroacher has encroached the Government land and living in unhygienic condition without any sanitation, water supply, he/she has been provided Pucca houses with all basic amenities in a subsidised instalment rate of Hire purchase.

20. Tamil Nadu Slum Clearance Board in co-ordination with Child India Foundation with the partnering NGOs on regular basis is conducting awareness programmes towards protection of Child against any abuse. Solid waste management is being done by Corporation of Chennai. Job fair is also being conducted by Tamil Nadu Slum Clearance Board with the cooperation of major I.T. companies and one such fair is proposed to be conducted on 16.11.2014.


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2. Skill Development Training Programme in Nurse Aid, Tailoring, Beads Garland making, Artificial Jewellery, Mehendi designing, Candle making, Car driving, Gym Masters Training, Electrician and Plumbing for the benefit of 173 numbers of youth and women is being implemented at OkkiamThuraipakkam under JNNURM Scheme.

It is therefore most respectfully prayed that this Hon'ble Court may be pleased to dismiss the above said Writ Petition as devoid of merits and thus render Justice.

Solemnly affirmed at Chennai
on this the 12th day of March 2015
and signed her name in my presence


SECRETARY
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Advocate, Chennai

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- Respondents

Additional Counter
Affidavit filed by the 3rd
Respondent

B. Kesavan,
Counsel for the 3rd Respondent

T/c
B Kesavan
Counsel for 3rd Respondent

Read
12/3/15 @ 2.55 pm