

In the High Court of Judicature at Madras

Dated : 23.12.2014

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN

Writ Petition Nos.33602 to 33606 of 2014 and MP.Nos.1,1,1,1 and 1 of 2014

Kothandaraman

...Petitioner in
WP.33602/2014

Babu

...Petitioner in
WP.33603/2014

Kumudhavalli

...Petitioner in
WP.33604/2014

S.Vadivel

...Petitioner in
WP.33605/2014

C.Velumuthu

...Petitioner in
WP.33606/2014

Vs

1.The District Collector, Thiruvallur
District, Thiruvallur.

2.The District Revenue Officer,
Thiruvallur District, Thiruvallur.

3.The Tahsildar, Ambattur Taluk,
Ambattur.

4.The Managing Director, Tamilnadu
Slum Clearance Board,
No.5, Kamarajar Salai, Triplicane, Chennai-5.

5.Mr.V.Thirunavukkarasu

6.M.Karthikeyan

...Respondents in
all the WPs

PETITIONS under Article 226 of The Constitution of India praying for the issuance of Writs of Certiorarified Mandamus to call for the entire records, pertaining to the notice dated 5.12.2014 issued under Section 6 of Tamilnadu Land Encroachment Act, 1905 by the 3rd

respondent, quash the same and consequently direct the respondents 1 to 3 to issue patta to the petitioners for the lands respectively bearing (i) Old No.220, New No.220/5, Railway Station Road, Korattur, Chennai-80; (ii) old No.218/D, new No.16 A, Railway Station Road, Korattur, Chennai-80; (iii) No.218-C/17, Railway Station Road, Korattur, Chennai-80; (iv) old No.217-B, new No.7, Railway Station Road, Korattur, Chennai-80; and (v) No.223/16, Railway Station Road, Korttur, Chennai-80, pursuant to G.O.Ms.No.372 Revenue Department dated 26.8.2014.

For Petitioners : Mr.A.R.Suresh
For Respondents : Mr.A.Kumar, SGP

COMMON ORDER

The petitioners have come up with the above writ petitions challenging the notices issued by the third respondent for eviction and for a direction to the respondents 1 to 3 to issue patta to the petitioners.

2. Heard Mr.A.R.Suresh, learned counsel for the petitioners. Mr.A. Kumar, learned Special Government Pleader takes notice for the respondents.

3. A batch of identical cases wherein the eviction drive initiated by the respondents was challenged, was referred to me, in view of the fact that the eviction drive was allegedly taken in pursuance of a direction issued by the First Bench. The First Bench disposed of those writ petitions in W.P.Nos. 33278 to 33280 of 2014 on 19.12.2014 with the following order :

"The petitioners claim that they are facing the threat of eviction despite the fact that the fourth respondent has declared the area, in which the petitioners are in occupation, as a slum area. They, thus, seek to assail the notices dated 5.12.2014.

2. A reference has been made to the order passed by this Bench in writ petition No.8355 of 2014 on 31.7.2014 to contend that the said order has triggered of the notices and that is why the present writ petitions have been filed. However, a perusal of the said order shows that this Court has not issued any directions, but, on the other hand, has asked the respondents therein to carry on the statutory duties and to the extent that if there is encroachment on the public land, make it free of encroachment. There is no specific direction except to proceed in accordance with law.

3. We note that even subsequently in that petition, the matter was raised and the issue was clarified.

4. Be that as it may, it is not in dispute that the petitioners have the remedy of appeal against the impugned notices in accordance with Section 10 of the Tamilnadu Land Encroachment Act, 1905. We see no reason to exercise jurisdiction under Article 226 of The Constitution of India, when the appeal remedy is available and it may open to them to do so.

5. The writ petitions stand dismissed with liberty to take the aforesaid action."

4. In view of the above, these writ petitions are also dismissed leaving it open to the petitioners to avail the statutory remedy of appeal. No costs. Consequently, the above MPs are also dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

- 1.The District Collector, Thiruvallur District, Thiruvallur.
 - 2.The District Revenue Officer, Thiruvallur District, Thiruvallur.
 - 3.The Tahsildar, Ambattur Taluk, Ambattur.
 - 4.The Managing Director, No.5, Kamarajar Salai, Triplicane, Tamilnadu Slum Clearance Board, Chennai-5.
- +5ccs to Mr.A.R.Suresh,Advocate SR.No.63413

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gp/8.1.15

WP.Nos.33602 to 33606/2014