

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2015

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. Nos.10319 and 10320 of 2015 and M.P. Nos.1 of 2015

P. Raji Petitioner in W.P. No.10319/2015

P. Munusamy Petitioner in W.P. No.10320/2015

vs.

1 The District Collector
Kancheepuram District

2 The Revenue Divisional Officer
Chenglepet

3 The Tahsildar
Thiruporur Taluk
Kancheepuram District

4 The Revenue Inspector
Mambakkam Village
Thiruporur Taluk
Kancheepuram District

5 The Village Administrative Officer
Mambakkam Village
Thiruporur Taluk
Kancheepuram District

Respondents in both the WPs

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the impugned order dated 18.03.2015 vide Na.Ka.No.1146/2015/Aa2 issued by the third respondent and consequently impugned notice under Section 7 dated 02.03.2015 issued by the 4th and 5th respondents to the petitioner and quash the same and consequently, to direct the first respondent to issue patta to the land comprised in Survey No.128A/20 of Mambakkam Village, Thiruporur Taluk, Kancheepuram District in the name of the petitioner.

For petitioner in
both the WPs Mr. D. Senthilkumar

For respondents in Mr. P.S. Sivashanmugasundaram
both the WPs Special Government Pleader

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COMMON ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, takes notice for the respondents and with the consent of the learned counsel for the parties, the writ petitions are taken up for final disposal, at the admission stage itself.

2 The challenge in these writ petitions is to the notices dated 02.03.2015 issued by the fifth respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 ("for short" the Act) and the order passed by the first respondent, wherein, he has stated that the encroachments in question have to be removed and that the proceedings are to be initiated under Section 6 of the Act.

3 The case of the petitioners is that they are in possession of the properties in question legally under proper title and rights. Section 7 notices have been issued stating therein that the lands in question are Poramboke lands and as such, their possession and occupation of the lands in question is unauthorised and accordingly, they have been asked to take immediate steps for removal of encroachment, failing which, an order may be passed under Section 6 of the Act to dis-possess them from the lands in question.

4 The learned Special Government Pleader submits that the notices issued under Section 7 of the Act are in the form of show cause notices and as such, no final orders shall be passed without passing appropriate orders under Section 6 of the Act.

5 Accordingly, we grant two weeks' time to the petitioners to file their explanation/reply to the impugned Section 7 notices and thereafter, the authorities are directed to consider and deal with each and every objection raised by the petitioners before passing orders under Section 6, if required.

6 The petitioners have made certain observations against other officers. In that respect, the petitioners are at liberty to address representations to the District Collector. If such representations are made, the District Collector is directed to look into the same and take appropriate steps.

7 With the above directions and observations, the writ petitions stand disposed of. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 The District Collector
Kancheepuram District
- 2 The Revenue Divisional Officer
Chenglepet
- 3 The Tahsildar
Thiruporur Taluk
Kancheepuram District
- 4 The Revenue Inspector
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Kancheepuram District
- 5 The Village Administrative Officer
Mambakkam Village
Thiruporur Taluk
Kancheepuram District

+4 cc's to Mr.D.Senthilkumar, Advocate,SR.19518, 19517.

+1 cc's to Government Pleader,SR.19767.

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Common Order in
W.P. Nos.10319 and 10320 of 2015