

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P. No.13831 of 2015

and

M.P. Nos.1 and 2 of 2015

1. A. Kumarasamy

2. K. Subramani

3. D. Selvi

4. C. Ganesan

5. K. Seethuram

6. M. Karpagam

7. K. Mani

8. K. Shanmugam

9. V. Saravanan

10. P. Velu

11. E. Murthy

12. E. Manikandan

13. P. Appadurai

14. P. Ayyanarappan

15. K. Kali

16. P. Mani



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17. M. Arumugam

18. P. Palani

19. M. Settu

20. V. Kothandaraman

21. U. Theerthamalai

22. D. Malliga

23. P. Arumugam

24. G. Muthukrishnan

25. E. Durai

26. P. Sagadevan

27. P. Subramani

28. K. Natarajan

... Petitioners

Vs.

1. The Government of Tamil Nadu
represented by the Secretary
Revenue Department
Chennai 600 009

2. The Commissioner
Land Administration
Chepauk, Chennai 600 009

3. The District Collector
Office of the District Collector
Kancheepuram District

4. The Tahsildar
Madurandhagam Taluk
Kancheepuram District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider the petitioners' representation dated 07.04.2015 and grant patta to the petitioners in Survey No.405/3 and 107, Athur Village, Madhurandhagam, Kancheepuram District.

For petitioners : Mr. R. Subramanian

For respondents : Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(made by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2. The facts as projected by the petitioners are that they have been in possession and enjoyment of the lands in question and have been cultivating crops from 1962 onwards. The petitioner no.18, being aggrieved by a notice dated 12th January 2015 issued by the fourth respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act"), preferred an appeal before the third respondent on 25th February 2015. Pending the appeal, he approached this Court seeking a direction to consider and dispose of the said appeal. Accordingly, this Court, by order dated 9th March 2015, directed the appellate authority to consider and dispose of the appeal and also, decide the application for interim relief within a period of two weeks and also granted status quo for a period of two weeks. The petitioner no.18, along with other petitioners, has come up with this writ petition seeking a direction to the authorities to consider their representation dated 7th April 2015 for grant of patta.

3. On the facts, as aforesated, no direction can be issued in a positive manner, to grant patta. However, the authorities are required to consider the petitioners' representation dated 7th April 2015, in accordance with law and on its own merits, considering the nature of the lands and also the petitioners' entitlement in accordance with the statutory provisions. For a period of two weeks from today, status quo as obtained today in respect of the lands in question, shall be maintained.

4. The writ petition stands disposed of with the above observation. No costs. Connected M.P. No.1 of 2015 is closed. In view of the above order passed in the writ petition, there is no need to pass any order in M.P. No.2 of 2015 (Impleading Petition). Accordingly, M.P.No.2 of 2015 also stands closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Secretary
Revenue Department
Government of Tamil Nadu
Chennai 600 009
2. The Commissioner
Land Administration
Chepauk, Chennai 600 009
3. The District Collector
Office of the District Collector
Kancheepuram District
4. The Tahsildar
Madurandhagam Taluk
Kancheepuram District

+1cc to Mr.R.Subramanian, Advocate, S.R.No.46017
+1cc to the Government Pleader, S.R.No.46281

RJ(CO)
CA(09/09/2015)

W.P. No.13831 of 2015

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