

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.05.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE S.MANIKUMAR

W.P. No.14167 of 2015
and M.P. Nos.1 to 3 of 2015

1.A.Vijaya
2.Adhimoolam Petitioners

-v-

1.The District Collector,
Chennai District, Chennai.
2.The Tahsildar,
Maduravoyal Taluk,
Alapakkam, Chennai.
3.The Revenue Inspector,
Porur Sub Taluk,
Maduravoyal Taluk, Chennai. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relevant to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 01.04.2015 and consequential notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 dated 21.04.2015 issued by the third respondent and to quash the same as illegal, improper, unreasonable, arbitrary against the natural justice and thereby direct the second respondent to grant patta in respect of residential property situated in S.No.213, No.3, N.T.Patel Road, Nerkundram Village, Chennai to an extent of 0.00.5 acres or 945 sq.ft. of land in the name of petitioners herein immediately.

For Petitioners : Mr.M.V.Muralidaran
For Respondents : Mr.V.Subbiah, Spl.G.P.

O R D E R

(Order of the Court made by S.TAMILVANAN,J.)

By consent on either side, the writ petition is taken up for final disposal.

2.The writ petition has been filed by the petitioners challenging the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 01.04.2015 and consequential notice issued by the third respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 dated 21.04.2015 and thereby directing the second respondent to grant patta in respect of residential property situated in S.No.213, No.3, N.T.Patel Road, Nerkundram Village, Chennai to an extent of 0.00.5 acres or 945 sq.ft. of land in the name of petitioners herein.

3.It is seen that notice dated 21.04.2015, issued by the third respondent was only against the second petitioner. According to the learned counsel for the petitioners, the first petitioner purchased the superstructure of the residential building, for which he produced a copy of the sale deed and copy of the receipts for paying property tax and house tax.

4.On the aforesaid circumstances, without verifying the records, the notice has been issued to the second petitioner and the same would not bind the first petitioner and therefore we are of the view that this writ petition has to be allowed. Accordingly, this writ petition is allowed and the respondents are directed to pass appropriate orders, by issuing notice to the owner or occupier of the property, as per procedure known to law. Consequently, connected M.Ps are closed. No costs.

vga

Sd/-
Vacation Officer

//True Copy//

Sub-Assistant Registrar

To

1.The District Collector,
Chennai District, Chennai.

2.The Tahsildar,
Maduravoyal Taluk,
Alapakkam, Chennai.

3.The Revenue Inspector,
Porur Sub Taluk,
Maduravoyal Taluk, Chennai.

+ 1 cc to M/s.M.V.Muralidharan,Advocate SR 24933

+ 1 cc to the Govt.Pleader, High Court, Madras SR 2498

sai(co)

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