

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18/6/2015

C O R A M

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

W.P. Nos.17381 to 17394 of 2015
and
M.P. No.1 of 2015 (14 Mps.)

A. Lourdhummal ... Petitioner in W.P.17381 of 2015
T. Lourthu Mary ... Petitioner in W.P.17382 of 2015
A. Leema Rose ... Petitioner in W.P.17383 of 2015
T.M. Lucia Mary ... Petitioner in W.P.17384 of 2015
Caroline Priya ... Petitioner in W.P.17385 of 2015
T. Savariammal ... Petitioner in W.P.17386 of 2015
Kanikkai Mary ... Petitioner in W.P.17387 of 2015
T. Lilly Mary ... Petitioner in W.P.17388 of 2015
T. Pappammal ... Petitioner in W.P.17389 of 2015
T. Pramila ... Petitioner in W.P.17390 of 2015
Amala Mary ... Petitioner in W.P.17391 of 2015
Jessintha Mary ... Petitioner in W.P.17392 of 2015
E. Mitilda ... Petitioner in W.P.17393 of 2015
T. Jaya Mary ... Petitioner in W.P.17394 of 2015

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tahsildar,
Maduranthakam Taluk,
Maduranthakam,
Kancheepuram District.
3. The Revenue Inspector,
Karunkuzhi Circle,
Mathuranthagam Taluk Office,
Mathuranthagam,
Kancheepuram District.

.. Respondents in all WPs

Writ Petitions are filed under Article 226 of the Constitution of India seeking writ of Mandamus forbearing the respondents from taking action for eviction/demolition of the petitioner house situated in S.No. 477/1, measuring an extent of 00260 sq.mtr. (in W.P.17381 of 2015)

507/1 measuring an extent of 01252 sq.mtr (in W.P.17382 of 2015)
477/1 measuring an extent of 00864 sq.mtr (in W.P.17383 of 2015)
507/1 measuring an extent of 00429 sq.mtr (in W.P.17384 of 2015)
507/1 measuring an extent of 01307 sq.mtr (in W.P.17385 of 2015)
507/1 measuring an extent of 00340 sq.mtr (in W.P.17386 of 2015)
477/1 measuring an extent of 00910 sq.mtr (in W.P.17387 of 2015)
478/1 measuring an extent of 01021 sq.mtr (in W.P.17388 of 2015)
477/1 measuring an extent of 00160 sq.mtr (in W.P.17389 of 2015)
477/1 measuring an extent of 01602 sq.mtr (in W.P.17390 of 2015)
480/3 measuring an extent of 00923 sq.mtr (in W.P.17391 of 2015)
477 measuring an extent of 0.165 sq. mtr (in W.P.17392 of 2015)
480/3 measuring an extent of 00698 sq.mtr (in W.P.17393 of 2015)
507/1 measuring an extent of 01377 sq.mtr (in W.P.17394 of 2015)
respectively

At Sagaya Nagar Village, 149 Pudur panchayat, Mathuranthagam Taluk, Kancheepuram District, till passing final order based on the show cause notice dated 02.6.2015 issued by the respondents under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

For petitioner/s : Mr. D.S. Rajasekaran
for
Mr. K. Subramanian

For Respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader

COMMON ORDER

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

With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents, these writ petitions are taken up for final disposal, at the admission stage itself.

2. Questioning the legality and validity of the notice dated 02.06.2015 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for short ' the Act'), the petitioners have come up with these writ petitions.

3. The sole ground of the petitioners is that the authorities, without passing appropriate orders as contemplated under Section 6 of the Act, are proceeding with the removal of the encroachment. The petitioners have already filed their reply dated 05.06.2015 to the above said show cause notice dated 02.06.2015 seeking grant of patta, under G.O.Ms.No.34 Revenue Department dated 23/1/2008. Since the petitioners have already filed their reply/representation to the above said show cause notice, no adjudication is required at this stage.

4. Learned Special Government Pleader appearing for the respondents submits that no steps for eviction will be taken against the petitioners before considering their reply/ representation and passing appropriate orders under Section 6 of the Act.

5. We find that the petitioners are seeking assignment of the land by way of grant of patta under certain G.o as aforestated. We are not inclined to express any view on the merits of the case. However, if the petitioners are entitled to any relief under the aforestated G.O as well as other Government Orders, the authorities are under an obligation to consider the same before passing an order under Section 6 of the said Act. Accordingly, the authorities are directed to do the needful, as aforestated and not to pass any order for evicting the petitioners without passing appropriate orders under Section 6 of the Act.

6. With the above said direction, these writ Petitions stand disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

mvs/ra

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tahsildar,
Maduranthakam Taluk,
Maduranthakam, Kancheepuram District.
3. The Revenue Inspector,
Karunkuzhi Circle,
Mathuranthagam Taluk Office,
Mathuranthagam,
Kancheepuram District.

1 cc to the Government Pleader, sr. 30061

W.P. Nos.17381 to 17394 of 2015

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