

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2015

CORAM:

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

W.P. Nos.18151 to 18157 of 2015 and M.P. Nos.1 of 2015

Jayaraman Petitioner in WP No.18151 of 2015
M. Kandasamy Petitioner in WP No.18152 of 2015
Abdul Hakeem Petitioner in WP No.18153 of 2015
Perumal Dobhi Petitioner in WP No.18154 of 2015
K. Abdul Hakeem Petitioner in WP No.18155 of 2015
P. Mari Muthu Dobhi Petitioner in WP No.18156 of 2015
E. Ramasamy Petitioner in WP No.18157 of 2015

Vs.

1 The Government of Tamil Nadu
represented by its Secretary
Revenue Department
Fort St. George
Chennai 600 009

2 The District Collector
Collectorate Compound, Salem

3 The Tahsildar
Taluk Office, Shevapet
Salem 636 002

4 The Executive Officer
Elampillai Town Panchayat
Elampillai, Salem District

Respondents

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records relating to the fourth respondent's impugned orders issued in

Na.Ka.No.387/2007 dated 14.05.2015 and quash the same and direct the respondents not to disturb the peaceful possession and enjoyment of houses constructed in S.No.23/3 to an extent of (i) 1,000 sq. ft. (ii) 1000 sq. ft. (iii) 500 sq.ft., (iv) 1,100 sq. ft., (v) 800 sq. ft. (vi) 800 sq. ft. and (vii) 800 sq. ft. respectively in (i) Door No.7.1/109 (ii) Door No.7.1/136, (iii) Door No.7.1/142, (iv) Door No.7.1/78, (v) Door No.7.1/141 (vi) Door No.7.1/141 and (vii) Door No.7.1/117, respectively at Elampillai 637 502.

For petitioner
in all WPs

Mr. T. Sivagnanasambandham

For respondents
in all WPs

Mr. K. Rajendra Prasad
Government Advocate

COMMON ORDER

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

Mr. K. Rajendra Prasad, learned Government Advocate, accepts notice for the respondents. 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 petitioners, assailing the legality of notices dated 14.05.2015 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act") on the ground that they are the lawful owners of the properties in question and have been paying all statutory taxes and in possession of the properties for a long time and as such, the impugned notices are not maintainable, have preferred the instant writ petitions.

3 We have heard the learned counsel for the petitioners and the learned Government Advocate appearing for the respondents. We have also perused the pleadings and documents appended thereto.

4 The notices under Section 7 of the Act were issued on 10.02.2015, calling upon the petitioners to place their case before the authorities. It appears that the petitioners have not taken any steps thereafter. Hence, the final notices under Section 6 of the Act, directing the petitioners to remove the encroachment was issued on 14.05.2015, which are impugned in the instant writ petitions. Inasmuch as the petitioners have not taken any steps in pursuance of notices issued under either Section 7 or Section 6 of the Act, their contention that no opportunity of hearing was afforded to them, is noted to be rejected. The writ petitions are accordingly dismissed.

5 However, liberty is reserved to the petitioners to take recourse to appellate jurisdiction, as provided under the provisions of law. If, pursuant to the impugned notices, no action for eviction has been taken, status quo as obtained today shall be maintained for

a period of two weeks to enable the petitioners to file appeal and also to seek interim relief, as per law, if so advised. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad
To

- 1 The Secretary
Revenue Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009
- 2 The District Collector
Collectorate Compound, Salem
- 3 The Tahsildar
Taluk Office, Shevapet
Salem 636 002
- 4 The Executive Officer
Elampillai Town Panchayat
Elampillai, Salem District

+1cc to Mr.T. Sivananasambandham, Advocate, S.R.No.30811

+2ccs to the Government Pleader, S.R.No.31048

JP(CO)
EU(07/07/2015)

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