

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2015

CORAM:

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

W.P. Nos.18432 to 18438 of 2015
and
M.P. Nos.1 of 2015

N. Mohan ...Petitioner in WP No.18432 of 2015
A. Rangarajan ...Petitioner in WP No.18433 of 2015
Vasanthan ...Petitioner in WP No.18434 of 2015
M. Palaniammal ...Petitioner in WP No.18435 of 2015
S. Subramani ...Petitioner in WP No.18436 of 2015
Siddhaian ...Petitioner in WP No.18437 of 2015
Krishnaveni ...Petitioner in WP No.18138 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

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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) 1,500 sq. ft. (ii) 1200 sq. ft. (iii) 600 sq.ft., (iv) 1,200 sq. ft., (v) 800 sq. ft. (vi) 900 sq. ft. and (vii) 600 sq. ft. respectively in (i) Door No.7.1/64 (ii) Door No.7.1/111, (iii) Door No.7.1/91, (iv) Door No.7.1/99, (v) Door No.7.1/116 (vi) Door No.7.1/67 and (vii) Door No.7.1/121, respectively at Elampillai 637 502.

For petitioner
in all WPs : Mr. T. Sivagnanasambandham

For RR 1-3
in all WPs : Mr. P.S. Sivashanmuga Sundaram
Special Government Pleader

For R4
in all WPs : Mr. R. Ravichandran
Additional Government Pleader

COMMON ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1 to 3. Mr. R. Ravichandran, learned Additional Government Pleader, accepts notice for the fourth respondent. 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, the learned Special Government Pleader appearing for respondents 1 to 3 and the learned Additional Government Pleader appearing for the fourth respondent. 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(CO)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Secretary
Revenue Department
Government of Tamil Nadu
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Chennai 600 009

- 2 The District Collector
Collectorate Compound, Salem
- 3 The Tahsildar
Taluk Office, Shevapet
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- 4 The Executive Officer
Elampillai Town Panchayat
Elampillai, Salem District

1CC to M/s. Mr. T. Sivagnanasambandham, Advocate, SR 31546

1CC to Government Pleader, SR 31746

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RSK [CO]
PSI 06.07.2015



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