

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P No. 19489 to 19494 of 2015 and M.P. Nos.1 & 2 of 2015

A. Devakirubai Petitioner in WP No.19489 of 2015

Vs.

1 The District Collector
Thiruvallur District
Thiruvallur

2 The Tahsildar
Maduravoyal Taluk
Alapakkam
Chennai 600 116

3 The Revenue Inspector
Maduravoyal Taluk
Chennai 600 095

Respondents in all the WPs

Prayer in W.P. No.19489 of 2015:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records relevant to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 28.04.2015 and consequential notice dated 22.05.2015 issued by the third respondent under Section 6 of the said Act and quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and thereby, direct the second respondent to grant patta in respect of residential property situated at No.58, Sannathi Street, Maduravoyal, Chennai 600 095 in comprising S.No.24/1 to an extent of 250 sq. ft. (10' x 25') of land in the name of the petitioner immediately.

Prayer in W.P. No.19490 of 2015:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus or any other writ or order or direction in the nature of writ, call for the records relevant to the notice issued under Section 7 of the Tamilnadu Land Encroachment Act 1905 dated 28.4.2015 and consequential notice issued under Section 6 of the Tamilnadu land Encroachment Act 1905 dated 22.5.2015 issued by the 3rd respondent and quash the same as illegal improper unreasonable arbitrary against the natural justice and thereby direct the 2nd respondent to grant patta in respect of residential property situated at No.53A Sannathi Street Maduravoyal, Chennai-600 095 in comprising S.No.24/1 to an extent of 130 Sq.ft. (10Feet X 13 Feet) of land in the name of petitioner immediately.

Prayer in W.P. No.19491 of 2015:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus or any other writ or order or direction in the nature of writ, call for the records relevant to the notice issued under Section 7 of the Tamilnadu Land Encroachment Act 1905 dated 28.4.2015 and consequential notice issued under Section 6 of the Tamilnadu land Encroachment Act 1905 dated 22.5.2015 issued by the 3rd respondent and quash the same as illegal improper unreasonable arbitrary against the natural justice and thereby direct the 2nd respondent to grant patta in respect of residential property situated at No.55 Sannathi Street Maduravoyal Chennai-600 095 in comprising S.No.24/1 to an extent of 200 Sq.ft. (10 Feet X 20 Feet) of land in the name of petitioner immediately

Prayer in W.P. No.19492 of 2015:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus or any other writ or order or direction in the nature of writ, call for the records relevant to the notice issued under Section 7 of the Tamilnadu Land Encroachment Act 1905 dated 28.4.2015 and consequential notice issued under Section 6 of the Tamilnadu land Encroachment Act 1905 dated 22.5.2015 issued by the 3rd respondent and quash the same as illegal improper unreasonable arbitrary against the natural justice and thereby direct the 2nd respondent to grant patta in respect of residential property situated at No.7A/53 Sannathi Street Maduravoyal Chennai-600 095 in comprising S.No.24/1 to an extent of 110 Sq.ft. (10 Feet X 11 Feet) of land in the name of petitioner immediately.

Prayer in W.P. No.19493 of 2015:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus or any other writ or order

or direction in the nature of writ, call for the records relevant to the notice issued under Section 7 of the Tamilnadu Land Encroachment Act 1905 dated 28.4.2015 and consequential notice issued under Section 6 of the Tamilnadu land Encroachment Act 1905 dated 22.5.2015 issued by the 3rd respondent and quash the same as illegal improper unreasonable arbitrary against the natural justice and thereby direct the 2nd respondent to grant patta in respect of residential property situated at No.5 Sannathi Street Maduravoyal Chennai-600 095 in comprising S.No.24/1 to an extent of 210 Sq.ft. (10 Feet X 21 Feet) of land in the name of petitioner immediately.

Prayer in W.P. No.19494 of 2015:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus or any other writ or order or direction in the nature of writ, call for the records relevant to the notice issued under Section 7 of the Tamilnadu Land Encroachment Act 1905 dated 28.4.2015 and consequential notice issued under Section 6 of the Tamilnadu land Encroachment Act 1905 dated 22.5.2015 issued by the 3rd respondent and quash the same as illegal improper unreasonable arbitrary against the natural justice and thereby direct the 2nd respondent to grant patta in respect of residential property situated at No.1 (Old No.57) Sannathi Street Maduravoyal Chennai-600 095 in comprising S.No.24/1 to an extent of 220 Sq.ft. (10 Feet X 22 Feet) of land in the name of petitioner immediately.

For petitioner in Mr. B. Sundarapandy
all the WPs for M/s. M.V. Muralidaran

For respondents Mr. P.S. Sivashanmugasundaram
in all the WPs Special 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 the respondents. With the consent of the learned counsel on either side, the writ petitions are taken up for final disposal, at the admission stage itself.

2 In view of commonality of the issue involved, all these writ petitions are being considered and decided by this common order.

3 The petitioners have come up with the instant writ petitions assailing the legality and validity of the notices dated 28.04.2015 and 22.05.2015 passed by the third respondent under Sections 7 and 6 respectively of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act").

4 It is beyond cavil that before issuance of notices under Section 6 of the Act, the petitioners were afforded an opportunity of hearing by notices dated 28.04.2015 issued under Section 7 of the Act. It is not clear as to whether representations, pursuant to the said notices, were made by the petitioners. It is further brought to our notice that after the notices under Section 6 of the Act were issued, the petitioners have preferred appeals under Section 10 of the Act on 01.06.2015 and the same are pending consideration before the first respondent.

5 Given the fact situation, as aforestated, no adjudication is required at this stage. However, the first respondent is directed to consider the pending appeals within the statutory period. In the meantime, if applications seeking interim relief are filed by the petitioners, the same shall be considered and decided within a period of two weeks from today. It is made clear that for a period of two weeks, status quo as obtained today in respect of the properties in question, shall be maintained.

6 The petitioners have further sought a direction to the second respondent to consider their case for grant of patta in respect of their residential properties. According to the petitioners, the lands in question are Mandaveli Poramboke and as such, the State authorities are competent to consider their request for grant of patta as per G.O. Ms.No.854, Revenue Department dated 30.12.2006.

7 At this stage, we do not wish to make any observation as the petitioners have not taken any steps earlier for grant of patta. However, if representations in this regard are pending consideration, the same may be considered independent of other proceedings and appropriate decision can be taken in accordance with the statutory provisions, as aforestated.

8 The writ petitions stand disposed of with the above directions and observations. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

cad

To

1 The District Collector
Thiruvallur District
Thiruvallur

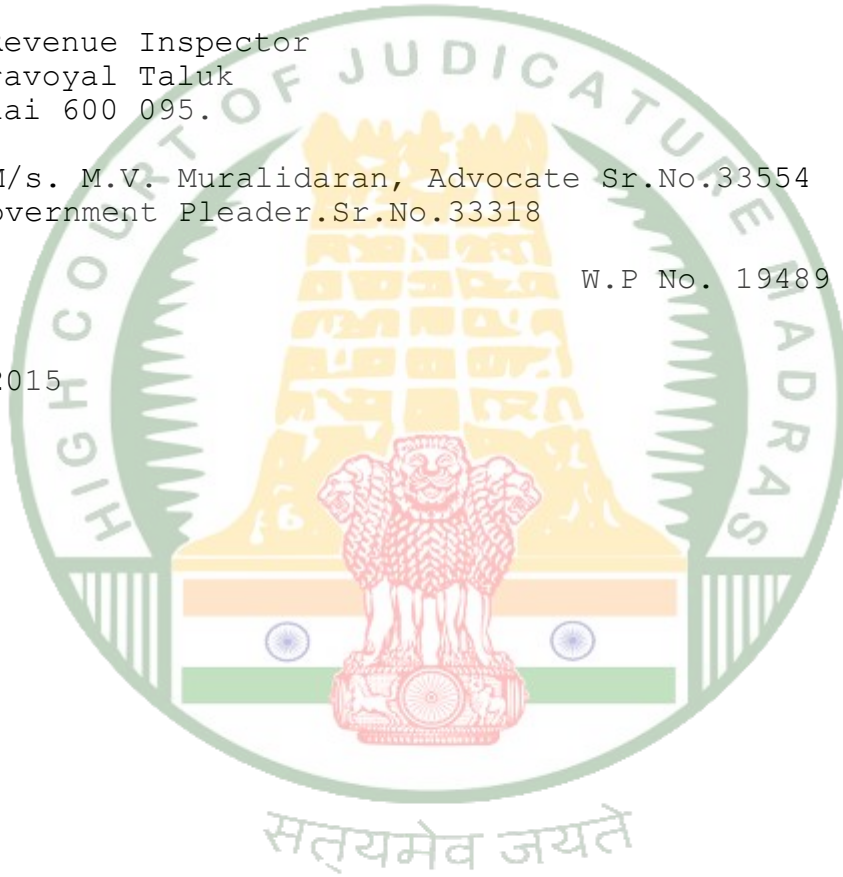
2 The Tahsildar
Maduravoyal Taluk
Alapakkam
Chennai 600 116

3 The Revenue Inspector
Maduravoyal Taluk
Chennai 600 095.

6 cc to M/s. M.V. Muralidaran, Advocate Sr.No.33554
1 cc to Government Pleader.Sr.No.33318

W.P No. 19489 to 19494 of 2015

ala (Co)
pmk.14.7.2015



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