

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2015

CORAM:

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

W.P. Nos. 21027 to 21029 of 2015

R. Manoharan

...Petitioner
(In WP No.21027/2015)

Mrs. R. Mala

... Petitioner
(In WP No.21028/2015)

Mrs. G. Pappa

... Petitioner
(In WP No.21029/2015)

vs.

1. The Government of Tamilnadu
rep. 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
(In all the Wps.)

Writ Petition in WP No. 21027 of 2015 filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records relating to 4th respondent's impugned order issued in Na.Ka.No.387/2007, dated 30.6.2015 and quash the same by directing the respondents not to disturb the peaceful possession and enjoyment of house constructed adjacent to S.No.23/3 to an extent of 950 sq.ft.800 sq.ft and 900 sq.ft. Respectively of D.No. 156, 157 and 158 Pattappan Koil Street.

Writ Petition in WP No. 21028 of 2015 filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records relating to 4th respondent's impugned order issued in Na.Ka.No.387/2007, dated 30.6.2015 and quash the same by directing the respondents not to disturb the peaceful possession and enjoyment of house constructed adjacent to S.No.23/3 to an extent of 960 sq.ft. of D.No. 94 Pattappan Koil Street.

Writ Petition in WP No. 21029 of 2015 filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records relating to 4th respondent's impugned order issued in Na.Ka.No.387/2007, dated 30.6.2015 and quash the same by directing the respondents not to disturb the peaceful possession and enjoyment of house constructed adjacent to S.No.23/3 to an extent of 1,240 sq.ft. of D.No. 162 Pattappan Koil Street, Elampillai.

For petitioner/s : Mr. S.R. Balasubramaniam

For respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader R1 to R3
Mrs. P. Rajalakshmi - R4

COMMON ORDER

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

Questioning the earlier notice in Na.Ka.No. 387 of 2007, dated 10.02.2015, the petitioners have filed the writ petitions being W.P. Nos. 4000 to 4002 of 2015. This Court, after examining the contentions made by the parties, held as under:-

" At this juncture, the learned counsel for the petitioners brings it to the notice of this Court that in the year 2005, under similar circumstances, the respondents

1 to 3, without issuing any notice and not providing an opportunity, suddenly, planned to demolish houses without ascertaining whether such houses were constructed in the Eri Poramboke or otherwise and at that point of time, similarly placed persons like that of the petitioners filed W.P. No. 31894 and 31895 of 2005 before this Court and obtained an order of interim injunction on 01.10.2005. In fact, the writ petitions were admitted and notices were ordered to be issued. Also, in W.P.Nos. 31558 of 2005 to 31665 of 2005 as well as in W.P.Nos. 31777 and 31778 of 2005, this Court passed final orders on 18.01.2013 and 30.09.2005 respectively by directing the respondents 1 to 3 to follow the procedure envisaged in the relevant rules and to provide a reasonable opportunity to the petitioners therein by issuing show cause notice, calling for explanation and to proceed further and pass orders within a period of six months from the date of receipt of copy of the orders."

Thereafter, the petitioners have filed their individual representation and consequential decision was taken by the impugned notice dated 30.6.2015.

2. In view of the forgoing, the contention of the learned counsel for the petitioners that no opportunity of hearing was afforded is noted to be rejected. The petitioners had sufficient opportunity of hearing. In exercise of writ jurisdiction under Article 226 of the Constitution of India, we cannot go into the disputed facts as the petitioners have been afforded full opportunity and they have also availed the opportunity by placing their case before the authority. Thus, we do not find any merit in these writ petitions. Accordingly, these writ petitions are dismissed. Consequently, connected miscellaneous petitions are dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar

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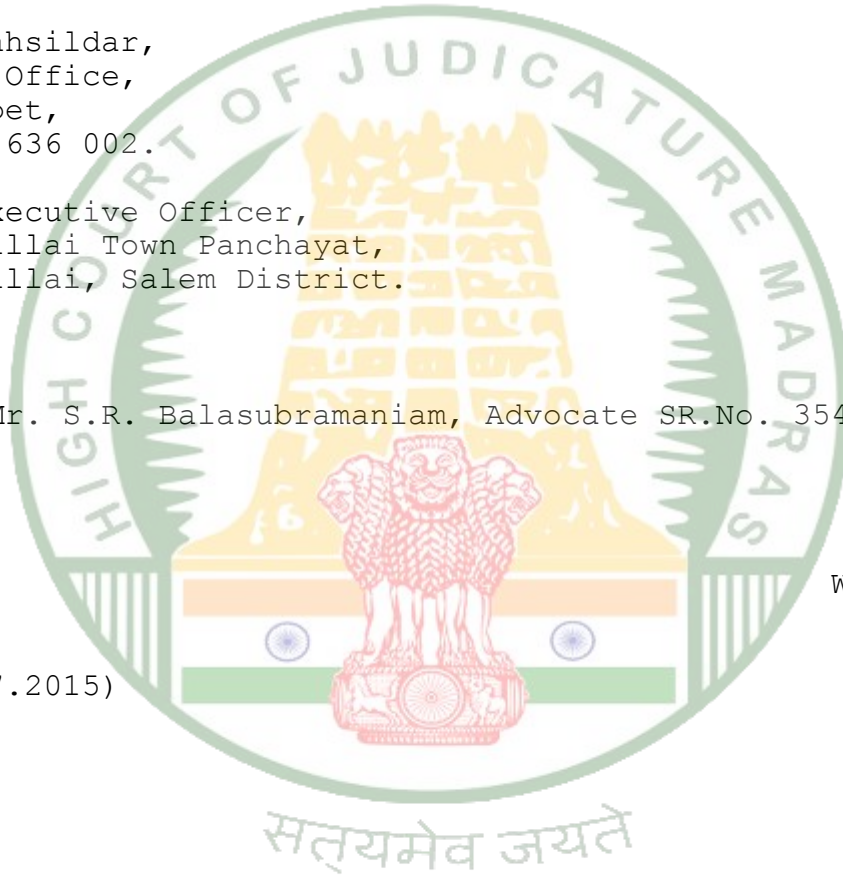
To

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4. The Executive Officer,
Elampillai Town Panchayat,
Elampillai, Salem District.

3 CCs to Mr. S.R. Balasubramaniam, Advocate SR.No. 35479, 35477 & 35478

GP (CO)
PSI (14.07.2015)

W.P. Nos.21027 to
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