

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2015

CORAM:

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

W.P No.22737 of 2015 and M.P. Nos.1 & 2 of 2015
W.P No.22738 of 2015 and M.P. Nos.1 & 2 of 2015
W.P No.22739 of 2015 and M.P. Nos.1 & 2 of 2015

T. Padmavathy ... Petitioner in WP.No.22737/2015
M. Mohana ... Petitioner in WP.No.22738/2015
P. Bhavani ... Petitioner in WP.No.22739/2015

Vs.

1 The District Collector
Thiruvallur District
Thiruvallur
2 The Tahsildar
Madhavaram Taluk
Thiruvallur District. Respondents in all writ petitions

Prayer in W.P. No.22737 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 1.7.2015 and consequential notice issued under section 6 of the Tamil Nadu Land Encroachment Act, 1905, dated 20.07.2015 issued by the second respondent in the name of the petitioner's husband and quash the same as illegal, improper, unreasonable, arbitrary against the natural justice and thereby, direct the second respondent to grant patta in respect of residential property situated in S.No.1, Plot No.18, Kurinchi Nagar, Puththagaram Village, Madhavaram Taluk, Thiruvallur District to an extent of 600 sq.ft. of land in the name of petitioner herein immediately.

Prayer in W.P. No.22738 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 1.7.2015 and consequential notice issued under section 6 of the Tamil Nadu Land Encroachment Act, 1905, dated 20.07.2015 issued by the second respondent in the name of the petitioner's husband and quash the same as illegal, improper, unreasonable, arbitrary against the natural justice and thereby, direct the second respondent to grant patta in respect of residential property situated in S.No.1, Plot Nos.36 and 37, Kurinchi Nagar, Puththagaram Village, Madhavaram Taluk, Thiruvallur District, to an extent of 1613 sq.ft. of land in the name of petitioner herein immediately.

Prayer in W.P. No.22739 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 1.7.2015 and consequential notice issued under section 6 of the Tamil Nadu Land Encroachment Act, 1905, dated 20.07.2015 issued by the second respondent in the name of the petitioner's husband and quash the same as illegal, improper, unreasonable, arbitrary against the natural justice and thereby, direct the second respondent to grant patta in respect of residential property situated in S.No.1, Plot No.40, Kurinchi Nagar, Puththagaram Village, Madhavaram Taluk, Thiruvallur District to an extent of 600 sq.ft. of land in the name of petitioner herein immediately.

For petitioner in : Mr.B.Sundarapandian
all the WPs

For respondents : Mr. N.Sakthivel,
in all the WPs Government Advocate

COMMON ORDER

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

Mr.N.Sakthivel, learned Government Advocate, 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 1.7.2015 and 20.7.2015 issued by the second 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 1.7.2015 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 22.7.2015 and the same are pending consideration before the first respondent.

5. Given the fact situation, as afore-stated, 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 Lake 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. While considering the said issue, the authorities are at liberty to examine the fact as to whether the lands in question is on the water channel, wherein patta may not be granted.

8. 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 afore-stated.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vr

To

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Tahsildar,
Madhavaram Taluk,
Thiruvallur District.

+3cc to The Government pleader sr.38616,38607 & 38611
+3cc to Mr.M.V.Muralidaran, Advocate sr.38523.

Common order in
W.P Nos.22737 to 22739/2015

kk[co]
srg 06.08.2015



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