

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3/8/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.P. Nos.23176 and 23177 of 2015

and

M.P. Nos.1, 1 and 2, 2 of 2015

Tmt.K.Manju ... Petitioner in W.P.No.
23176 of 2015

a n d

S.Sudhakar ... Petitioner in W.P.No.
23177 of 2015

Vs.

1 The District Collector
Thiruvallur District
Thiruvallur

2 The Tahsildar
Madhavaram Taluk
Thiruvallur District.

.... Respondents in both
the petitions

Prayer in W.P.No.23176 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 01.07.2015 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 and arbitrary against the principles of natural justice and thereby, direct the second respondent to grant patta in respect of residential property situated in S.No.1, Plot No.38, Kurinchi Nagar, Puththagaram Village, Madhavaram Taluk, Thiruvallur District to an extent of 600 sq. ft. of land in the name of the petitioner herein immediately.

Prayer in W.P.No.23177 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 01.07.2015 and consequential notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 dated 20.07.2015 issued by the second respondent and quash the same as illegal, improper, unreasonable and arbitrary against the principles of natural justice and thereby, direct the second respondent to grant patta in respect of residential property situated in S.No.1, Plot No.80, Kurinchi Nagar, Puththagaram Village, Madhavaram Taluk, Thiruvallur District to an extent of 600 sq. ft. of land in the name of the petitioner herein immediately.

For petitioners ... Mr.V.Muralidaran

For respondents ... Mr. N.Sakthivel,
Government Advocate

C O M M O N O R D E R

(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, these writ petitions are taken up for final disposal, at the admission stage itself.

2 The petitioners have come up with the instant writ petitions, assailing the legality and validity of the notices dated 1st July, 2015 and 20th July, 2015 issued by the second respondent under Sections 7 and 6 respectively of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act").

3 It is beyond cavil that before issuance of notice under Section 6 of the Act, the petitioners were afforded an opportunity of hearing by notice dated 1st July, 2015 issued under Section 7 of the Act. It is not clear as to whether representation, pursuant to the said notice, was made by the petitioners. It is further brought to our notice that after the notice under Section 6 of the Act was issued, the petitioners had preferred an appeal under Section 10 of the Act on 22nd July, 2015 and the same are pending consideration before the first respondent.

4 Given the fact situation, as afore-stated, no adjudication is required at this stage. However, the first respondent is directed to consider the petitioners pending appeal within the statutory period. In the meantime, if an application seeking interim relief is 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.

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

Sd/--
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

mvs
To

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

+1 cc to the Government Pleader sr.39962

W.P. Nos.23176 and 23177 of 2015

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