

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6/8/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

AND

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

W.P. No.24198 of 2015

and

M.P. Nos.1 and 2 of 2015

A.Banumathi

...

Petitioner

Vs.

1 The District Collector  
Thiruvallur District  
Thiruvallur

2 The Tahsildar  
Madhavaram Taluk  
Thiruvallur District.

...

Respondents

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.7, 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 petitioner ... Mr.B.Sundarapandian

For respondents ... Mr.P.S.Sivashanmugasundaram  
Government Advocate

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O R D E R

(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 petition is taken up for final disposal, at the admission stage itself.

2. The instant petition is filed assailing the legality of the notice dated 1<sup>st</sup> July, 2015 issued under the provisions of Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act") and the subsequent notice dated 20<sup>th</sup> July, 2015 under Section 6 of the Act calling upon the petitioner to remove the encroachment on the land in question bearing S.No. 1, Plot No.7, Kurinchi Nagar, Puththagaram Village, Madhavaram Taluk, Thiruvallur District and the consequential direction is sought for grant of patta in respect of the said property.

3 It is beyond cavil that before issuance of notice under Section 6 of the Act, the petitioner was afforded an opportunity of hearing by notice dated 1<sup>st</sup> 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 petitioner. It is further brought to our notice that thereafter, the impugned notice under Section 6 of the Act was issued. Thereagainst, the petitioner has preferred an appeal under Section 10 of the Act on 22<sup>nd</sup> July, 2015 and the same is pending consideration before the first respondent.

4. The petitioner has failed to establish as to how the petitioner is entitled to grant of patta on the basis of the alleged encroachment made in the land in question and as such, no direction as sought for, for the grant of patta, in respect of the said property can be issued. However, this observation shall not come in the way of the Appellate authority, considering the case on merit in the pending appeal.

5 The writ petition stands disposed of with the above direction and observation. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-  
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

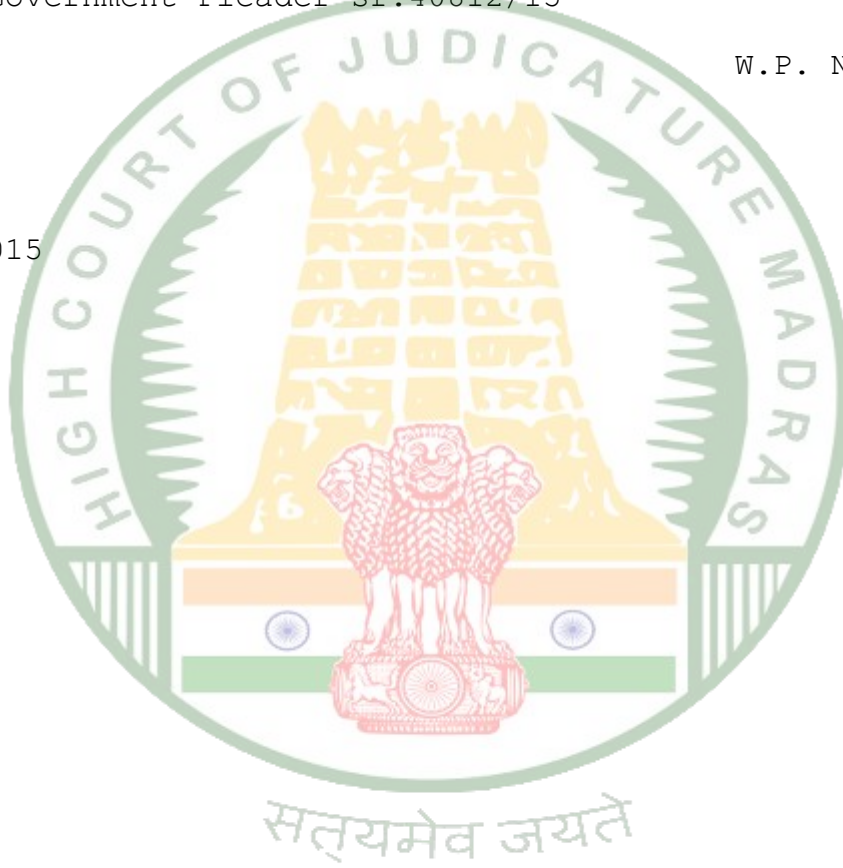
To

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

+1 cc to Mr.M.V.Muralidharan, Advocate sr.40799/15  
+1 cc to Government Pleader sr.40812/15

W.P. No.24198 of 2015

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