

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE DR.JUSTICE P. DEVADASS

W.P. Nos.35857 to 35860 of 2015 and M.P. Nos.1 of 2015

A. Logu	Petitioner in WP No.35857 of 2015
Shanthi	Petitioner in WP No.35858 of 2015
Vanitha	Petitioner in WP No.35859 of 2015
Revathy	Petitioner in WP No.35860 of 2015

vs.

The Tahsildar
Mylapore Taluk
Chennai 600 028

Respondent in all the WPs

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records relating to the notice of the respondent dated 20.10.2015 in B1/24145/2015/2015, quash the same and consequently, issue direction to the respondents not to dispossess the petitioners from their residence at 10-A, Durgabai Deshmukh Road, R.A. Puram, Chennai 600 028, comprised in Part-3, Survey No.3890, Mylapore Village and Taluk, Chennai admeasuring to an extent of 150 sq. ft., 100 sq. ft., 90 sq. ft. and 90 sq. ft. respectively, without affording an opportunity of hearing to the petitioners.

For petitioner in
all the WPs Mr. G. Magesh Kumar

For respondent in Mr. P.S. Sivashanmugasundaram
all the WPs Special Government Pleader

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COMMON ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondent. With consent, the writ petitions are taken up for final disposal, at the admission stage itself.

2 Assailing the justifiability of the eviction notices dated 20 October 2015 issued by the respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act") and for a direction to the respondents not to dispossess the petitioners from their residence at 10-A, Durgabai Deshmukh Road, R.A. Puram, Chennai 600 028, comprised in Part-3, Survey No.3890, Mylapore Village and Taluk, Chennai, without affording an opportunity of hearing to them, the petitioners have come up with the instant writ petitions

3 According to the petitioners, they have been in possession and enjoyment of the land in question for over three decades. While so, all of a sudden, they have been served with notices under Section 6 of the Act, requiring them to vacate the land in question within a period of 15 days. It has been further stated therein that in default, the land in question would be seized.

4 The main bone of contention of the learned counsel for the petitioners is that before the issuance of the impugned notices under Section 6 of the Act, the petitioners have not been served with notice under Section 7, as mandated under the Act and as such, on that score itself, the impugned notices are liable to be set aside.

5 On a perusal of the impugned notices, it is eloquent that no notice under Section 7 of the Act was given to the petitioners, affording an opportunity to them, to put forth their case and as such, the impugned notices cannot be acted upon, without affording an opportunity of hearing to them.

6 In such view of the matter, we treat the impugned notices as show cause notices under the provisions of Section 7 of the Act and grant two weeks' time to the petitioners, from today, to put forth their case by way of representation/explanation before the authorities. The authorities are, thereafter, directed to examine the matter after proper verification and take consequential action, if need be. Such exercise shall be completed within a period of four weeks from the date of receipt of the petitioners' representation/explanation. Needless to state that each and every averment made by the petitioners in their representation/explanation is required to be adverted to, while passing a reasoned order.

7 The writ petitions stand disposed of with the above direction and observation. Costs made easy. Connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

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Sub-Assistant Registrar

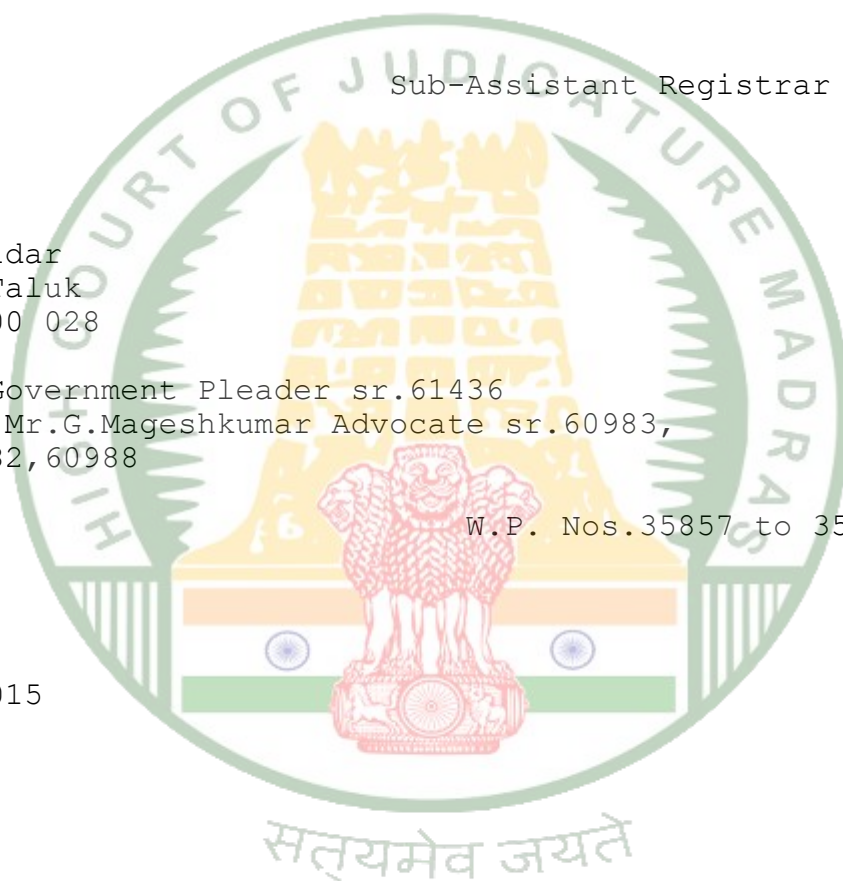
cad
To

The Tahsildar
Mylapore Taluk
Chennai 600 028

+1 cc to Government Pleader sr.61436
+4 ccs to Mr.G.Mageshkumar Advocate sr.60983,
60984, 60982, 60988

W.P. Nos.35857 to 35860 of 2015

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