

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2015

CORAM:

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

W.P. Nos.36987 to 36989 of 2015

Mrs. Zubeida Yoonus Petitioner in
WP.36987/2015

M. Abdul Haseeb ... Petitioner in
WP.36988/2015

M/s. Great Mohghul Caterers (P) Ltd.,
rep. By its Director,
M. Shahul Hameed,
No.2/808 Kamarajar Street,
Neelankarai, Chennai 600 115. Petitioner in
WP.36989/2015

Vs

1.The District Collector,
Kancheepuram District at
Kancheepuram.

2. Tashildar,
Sholinganallur Taluk at
Sholinganallur,
Kancheepuram District.

... Respondents
(In all the W.Ps.)

Writ petitions filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus forbearing the respondents herein, their subordinates or any body acting through them from in any manner interfering with the possession of the petitioner or in any manner evicting or demolishing the premises of the petitioner bearing D.NO.2/808 comprised in S.NO.72/1 Kamarajar Salai Neelangarai Kancheepuram district Chennai-41 [in WP.No.36987 & 36989/15] D.No.2/798, comprised in S.NO.72/1 Kazura Garden Second Street, Neelangarai, Kancheepuram District Chennai-4 (in WP.36988/15)

For Petitioner : Mr. V. Karthic
in all the Wps. For
M/s. N. Damodaran
For Respondents
in all the Wps. Mrs. A. Srijayanthi
Spl. Govt. Pleader
- - - - -

COMMON ORDER

(delivered by SATISH K. AGNIHOTRI, J.,)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice on behalf of the respondents. With the consent of the learned counsel for the parties, these writ petitions are taken up for final disposal.

2 These writ petitions have been filed seeking to forbear the respondents from in any way interfering with the possession of the petitioners or evicting them from the property in question.

3 In the writ petition being W.P.No. 21375 of 2010 filed by one Kazura Garden Welfare Association, a coordinate Bench of this Court, vide order dated 09 June, 2015 directed the District Collector, Kancheepuram to look into the complaint of encroachment and take action for removal, if encroachment is found, after affording an opportunity of hearing to the alleged encroachers.

4 According to the learned Special Government Pleader, pursuant thereto, a notice under Section 7 of the Tamil Nadu Land Encroachment Act (for short "the Act") was served on Mr. Mohammed Yoonus, who is none other than the husband of the petitioner in W.P.No. 36987 of 2015 and father of the petitioners in WP Nos. 36988 & 36989 of 2015. No action will be taken without considering the response/representation made pursuant to the notice issued under Section 7, ibid. Thus, these writ petitions are premature at this stage.

5 We have examined all the facts and perused the pleadings carefully.

6 It is the case of the petitioners that the notice was served on one Mohammed Yoonus, who is the husband of the petitioner in W.P. No.36987 of 2015 and father of the petitioners in W.P.Nos. 36988 & 36989 of 2015 and not on the petitioners herein, though they are the lawful owners of the property in question.

7 The plea taken by the petitioners is purely technical. Thus, the notice served on Mohammed Yoonus be treated as a notice served on the petitioners and they are at liberty to file their response/ representation within a period of two weeks from today. Thereafter, the authorities are directed to examine the same, adverting to all the issues to be raised by the petitioners and take consequential decision. Till appropriate order under Section 6 of the Act is passed, no steps for removal of alleged encroachment shall be taken. Status quo, as obtained today in respect of the property in question, shall be maintained for a period of two weeks from today.

The writ petitions stand disposed of accordingly. No costs. Connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ra

To

1. The District Collector,
Kancheepuram District at
Kancheepuram.
2. Tashildar,
Sholinganallur Taluk at
Sholinganallur,
Kancheepuram District.

WEB COPY

W.P.Nos. 36987 to 36989
of 2015

aa14/12/2015