

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. Nos.4224 to 4233 of 2015 and M.P. Nos.1 & 2 of 2015

P. Govindan	...	Petitioner in W.P. No.4224 of 2015
S. Sundaram	...	Petitioner in W.P. No.4225 of 2015
V. Marichetty	...	Petitioner in W.P. No.4226 of 2015
K. Krishna Ammal	...	Petitioner in W.P. No.4227 of 2015
P. Palanisamy	...	Petitioner in W.P. No.4228 of 2015
Ammasi Gownder	...	Petitioner in W.P. No.4229 of 2015
M. Selvaraj	...	Petitioner in W.P. No.4230 of 2015
Ayyandurai	...	Petitioner in W.P. No.4231 of 2015
V. VenuGopal	...	Petitioner in W.P. No.4232 of 2015
R. Rajamanikam Reddy	...	Petitioner in W.P. No.4233 of 2015

Vs.

1. The District Collector
Salem District
 2. The Revenue Divisional Officer
Salem District
 3. The Tahsildar
Salem District
 4. The Revenue Inspector
Vembadithalam
Salem District
 5. The Executive Officer
Elampillai Town Panchayat
Salem District
- ... Respondents in W.P.No.4224 of 2015
to WP:4233 of 2015

Prayer in W.P. No.4224 of 2015:

Writ Petition filed under Article 226 of the Constitution of India, seeking a writ of certiorarified mandamus, calling for records of the 5th respondent comprised in his notice bearing No.Na.No.387/2007 dated 10.02.2015 and quash the same as illegal, unconstitutional, ultra vires the provisions of the Land Encroachment Act, 1905 and consequently, direct the respondents to issue patta to the petitioner's land comprised in S.No.23/3, D.No.8.1-279A, Santhapettai Main Road, Elampillai Village, Salem, admeasuring 0.019 acres in WP No.4224/2015.

D.No:9-1-68, Kakapalayam Main Road, Elampillai Village, Salem, ad measuring 0.33 acres - in WP:4225/2015

D.No:8.1-249, Santhapettai Main Road, Elampillai Village, Salem, ad measuring 0.027 acres - in WP:4226/2015

D.No:8.1-257, Santhapettai Main Road, Elampillai Village, Salem, ad measuring 0.027 acres - in WP:4227/2015

D.No:8.1-295, Santhapettai Main Road, Elampillai Village, Salem, ad measuring 0.027 acres - in WP:4228/2015

D.No:8.1-225, Santhapettai Main Road, Elampillai Village, Salem, ad measuring 0.02 acres - in WP:4229/2015

D.No:8.1-311,8.1-313,8.1-315, Santhapettai Main Road, Elampillai Village, Salem, ad measuring 0.027 acres - in WP:4230/2015

D.No:9.1-46, Kakapalayam Main Road, Elampillai Village, Salem, ad measuring 0.02 acres - in WP:4231/2015

D.No:8.1-247,8.1-245, Santhapettai Main Road, Elampillai Village, Salem, ad measuring 0.027 acres - in WP:4232/2015

D.No:8.1-321,8.1-323, Santhapettai Main Road, Elampillai Village, Salem, ad measuring 0.055 acres - in WP:4233/2015

For petitioner in
all the writ petitions : Mr. Rahul Balaji

For respondents in : Mr. N. Sakthivel
all the writ petitions Government Advocate

ORDER

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

Mr. N. Sakthivel, learned Government Advocate, takes notice for all the respondents.

2. The petitioners, claiming to be in occupation of the lands in question for a long period, have come up with the instant writ petitions, challenging the notices dated 10.02.2015 issued by the fifth respondent, under Section 7 read with Rule 3 of the Chennapattinam, 1905, and also seeking a direction to the respondents to consider their replies and to grant consequential patta for the said lands.

3. The petitioners are basically aggrieved by the aforesaid notices in and by which they have been called upon to submit their explanation in respect of the lands encroached by them. It appears that they have also filed their replies to the said notices on 20.02.2015.

4. The case of the petitioners is that similarly situated persons have been granted pattas and since they have also made application for grant of patta, they are entitled to get patta of their lands.

5. In view of the aforesaid submission, we are of the considered opinion that the authorities are under an obligation to consider all the objections and issues raised by the petitioners in their replies before passing orders under provisions of law, on its own merits. Needless to state that no steps can be taken, till appropriate orders are passed on consideration of the petitioners' replies dated 20.02.2015. The entire exercise is required to be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petitions are disposed of with the above direction and observation. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Asst. Registrar

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Sub Asst. Registrar.

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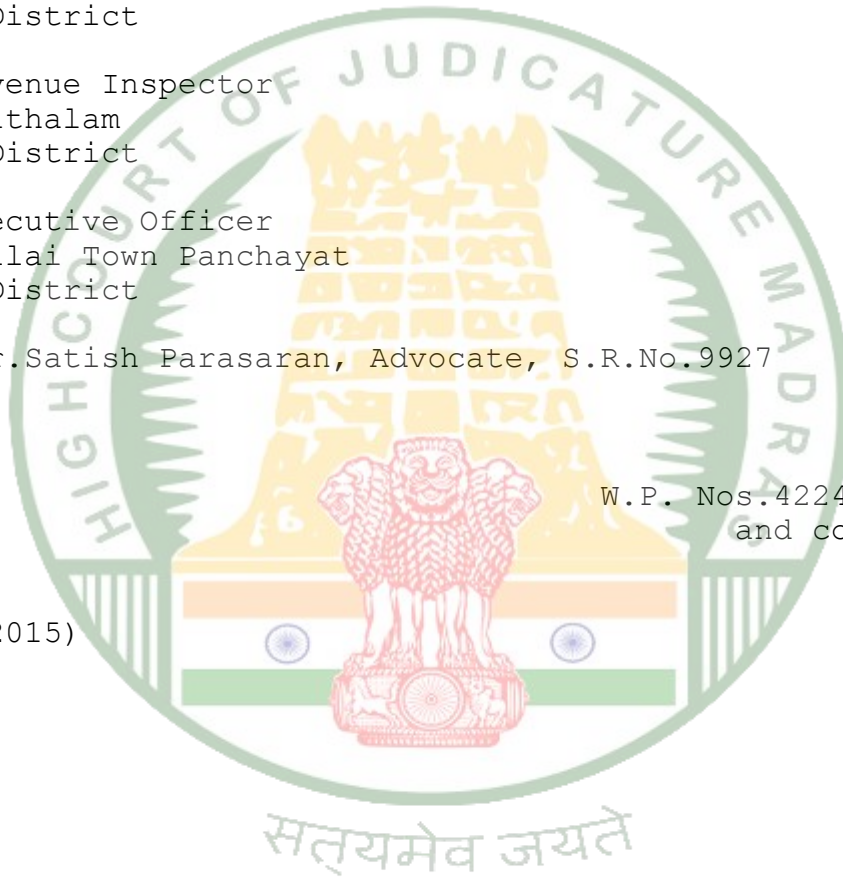
To

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Elampillai Town Panchayat
Salem District

+1cc to Mr.Satish Parasaran, Advocate, S.R.No.9927

W.P. Nos.4224 to 4233 of 2015
and connected Mps

TS (CO)
CA(10/03/2015)



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