

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition Nos.22645 to 22650 of 2016
and WMP.Nos.19339 to 19350 of 2016

1 Meera ...Petitioner in W.P.No.22645/2016
2 N.Soundararajan ...Petitioner in W.P.No.22646/2016
3 S.Thirukumaran ...Petitioner in W.P.No.22647/2016
4 Tmt. Rani ...Petitioner in W.P.No.22648/2016
5 K.Dheenadhayalan ...Petitioner in W.P.No.22649/2016
6 Tmt.A.Ellammal ...Petitioner in W.P.No.22650/2016

Vs

1 The District Collector
Thiruvalluvar District
at Thiruvallur.
2 The Tahsildar
Maduravoyal Taluk
Thiruvallur District.
3 The Revenue Inspector
Porur Sub Taluk
Maduravoyal Taluk
Thiruvallur District. ...Respondents in all W.Ps.

Prayer in W.P.No.22645/2016: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, call for the records relevant to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 06.06.2016 issued by the 3rd respondent and quash the same as illegal, improper, unreasonable, arbitrary against the principles of natural justice and thereby direct the respondents to issue patta in respect of the residential property situated in Survey No.14, No.1/9C, Nerkundram Village, Porur Sub Taluk, Maduravoyal Taluk, Thiruvallur District in the name of the petitioner.

Prayer in W.P.No.22646/2016: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of

Certiorari, call for the records relevant to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 06.06.2016 issued by the 3rd respondent and quash the same as illegal, improper, unreasonable, arbitrary against the principles of natural justice and thereby direct the respondents to issue patta in respect of the residential property situated in Survey No.14, No.1/101, Nerkundram Village, Porur Sub Taluk, Maduravoyal Taluk, Thiruvallur District in the name of the petitioner.

Prayer in W.P.No.22647/2016: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, call for the records relevant to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 06.06.2016 issued by the 3rd respondent and quash the same as illegal, improper, unreasonable, arbitrary against the principles of natural justice and thereby direct the respondents to issue patta in respect of the residential property situated in Survey No.14, No.1/103, Nerkundram Village, Porur Sub Taluk, Maduravoyal Taluk, Thiruvallur District in the name of the petitioner.

Prayer in W.P.No.22648/2016: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, call for the records relevant to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 06.06.2016 issued by the 3rd respondent and quash the same as illegal, improper, unreasonable, arbitrary against the principles of natural justice and thereby direct the respondents to issue patta in respect of the residential property situated in Survey No.14, Old No.1/7, New No.104, Nerkundram Village, Porur Sub Taluk, Maduravoyal Taluk, Thiruvallur District in the name of the petitioner.

Prayer in W.P.No.22649/2016: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, call for the records relevant to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 06.06.2016 issued by the 3rd respondent and quash the same as illegal, improper, unreasonable, arbitrary against the principles of natural justice and thereby direct the respondents to issue patta in respect of the residential property situated in Survey No.14, Old No.1/6, New No.103, Nerkundram Village, Porur Sub Taluk, Maduravoyal Taluk, Thiruvallur District in the name of the petitioner.

Prayer in W.P.No.22650/2016: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, call for the records relevant to the notice issued

under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 06.06.2016 issued by the 3rd respondent and quash the same as illegal, improper, unreasonable, arbitrary against the principles of natural justice and thereby direct the respondents to issue patta in respect of the residential property situated in Survey No.14, No.1/55, Nerkundram Village, Porur Sub Taluk, Maduravoyal Taluk, Thiruvallur District in the name of the petitioner.

For Petitioner in
all Writ Petitions. : Mr.B.Gopalakrishnan

For Respondents in
all Writ Petitions : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

COMMON ORDER

(Order of the Court was made by HULUVADI G. RAMESH,J.)

Heard the learned counsel for the Petitioners and Mr.P.Sivashanmuga Sundaram, learned Special Government Pleader, who accepts notice on behalf of respondents 1 to 3.

2. These Writ Petitions are filed praying to quash the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, issued by the 3rd respondent and to direct the respondents to issue patta in respect of the residential property situated in Survey Nos mentioned in the Prayer referred above.

3. The case of the Petitioners is that they are residing in the Property mentioned above for more than a period of two decades and issued with Ration Card, Voter Identity Card and Aadhar Card and they are also regularly paying the Property Tax, Electricity Consumption Charges. However, notice was issued by the 3rd respondent under Section 7 of the Tamil Nadu Land Encroachment Act, stating that the petitioners are keeping the Government land without permission and also asked to submit their explanation within a period of 15 days from the date of receipt of the said notice as to why they should not be evicted from the said land. It is the further case of the petitioners that they have given explanation dated 21.06.2016 to the above said notice dated 06.06.2016 and the same may be considered for passing appropriate orders.

4. Having gone through the averments made in the Writ Petitions and also considering the submissions made on either side, we direct the respondents to consider the explanation

submitted by the petitioners pursuant to the Notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, shall take a decision and pass final orders after following the due process of law, within a period of two months from the date of receipt of a copy of this order. Till then, status quo as on date shall be maintained.

5. The Writ Petitions are disposed of with the above direction. No costs. Consequently connected MPs are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

nvsri

To

- 1 The District Collector
Thiruvalluvar District
Thiruvallur.
- 2 The Tahsildar
Maduravoyal Taluk
Thiruvallur District.
- 3 The Revenue Inspector
Porur Sub Taluk
Maduravoyal Taluk
Thiruvallur District.

6 ccs to Mr.B.Gopalakrishnan, Advocate, sr.36617 & 36720
1 cc to Government Pleader, sr.37535

सत्यमेव जयते

W.P.Nos.22645 to 22650 of 2016

scd, bvr co
kra 06.07.2016

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