

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.25541 of 2016
and WMP.No.21888 of 2016

1 Kaliyan
2 Rajagopal
3 Ramesh
4 Periyayi
5 Anjulatcham
6 Magamatha
7 Kuppusamy
8 Arasan
9 Mani
10 Shankar
11 Amudha
12 Vanitha
13 Malar
14 Santhanam
15 Velmurugan
16 Kumar
17 Jothiramalingam
18 Sivapriyan
19 Jothi

...Petitioners

Vs

1 State of Tamil Nadu ,
Rep by the Secretary to Government,
Revenue Department,
Fort St. George, Chennai-600 009.
2 The District Collector,
Villupuram.
3 The Executive Officer,
Thiruvannainallur Town Panchayat,
Villupuram.

- 4 The Tahsildar,
Thiruvannainallur Town Panchayat,
Villupuram.
- 5 The District Revenue Officer,
Thiruvannainallur Town Panchayat,
VillupuramRespondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 5th respondent to consider the appeals filed by the petitioners on 20.11.2015 as against the order of eviction dated 12.11.2015 passed by the 3rd respondent bearing Na.Ka.No. 497/2015/A1 in accordance with law and consequently forebear the respondents from in any manner evicting the petitioners from Survey No. 249/4 of Thiruvannainallur Village, Thirukoilur Taluk, Villupuram District.

For Petitioners : Mr.Bharatha Chakravarthy for
M/s.Sai Bharath and Ilan

For Respondents : Mr.P.S.Sivashanmuga Sudaram,
Special Government Pleader
for R1, R2, R4 and R5
Mr.M.Dig Vijay Pandian for R3

O R D E R

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

Heard Mr.Bharatha Chakravarthy, learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

2. According to the petitioners, they were issued with a notice dated 24.10.2015 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, directing them to vacate the land and it is mentioned in the said notices that the entire Gandhipuram area, which the petitioners are in occupation is a Kuttai Poramboke. All the petitioners stated to have submitted their individual representations to the respondents requesting to drop all the proceedings and to grant patta, however, without considering the objections, an order was passed by the 3rd respondent on 12.11.2015, under Section 6 of the Land Encroachment Act, 1905, directing them to vacate from the Survey No.249/4 of Thiruvannainallur Village, Thirukoilur Taluk, Villupuram District. It is further stated that all the petitioners filed an appeal before the 2nd respondent on 20.11.2015 and the 2nd respondent directed them to approach the District Revenue Officer on 19.01.2016. Now, the petitioners

pray for a direction to the 5th respondent to consider the appeals filed by them on 20.11.2015.

3. Considering the facts and circumstances of the case, we direct the 2nd and 5th respondent to consider the grievance of the petitioners and pass necessary orders after a detailed enquiry, within one month from the date of receipt of a copy of this order. Till then, the respondents are directed to maintain status quo.

4. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nvsri
To

1 The Secretary to Government
Revenue Department
Fort St. George, Chennai-600 009.

2 The District Collector,
Villupuram.

3 The Executive Officer,
Thiruvannainallur Town Panchayat,
Villupuram.

4 The Tahsildar,
Thiruvannainallur Town Panchayat,
Villupuram.

5 The District Revenue Officer,
Thiruvannainallur Town Panchayat,
Villupuram.

+1cc to Mr.Bharatha Chakravarthi, Advocate Sr.44114

+1cc to the Government Pleader Sr.44125

+1cc to Mr.M.Dig Vijay Pandian, Advocate sr.43936[20/09/2016]

W.P.No.25541 of 2016

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srg 31/08/2016