

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.25723 of 2016

Sivagami
W/o Suresh

.. Petitioner

-vs-

1. The State of Tamil Nadu
rep.by its Principal Secretary to Government
State Highway Department
Secretariat, Fort St.George
Chennai 600 009
 2. The District Collector
Office of Collectorate
Villupuram District
Villupuram
 3. The District Revenue Officer
Villupuram District
Villupuram
 4. The Revenue Divisional Officer
Villupuram Taluk
Villupuram District
 5. The Tahsildar
Tirukoilur
Villupuram District
 6. Divisional Engineer (Highways)
Kallakurichi Division
Villupuram District
 7. The Assistant Divisional Engineer (Highways)
Building & Maintenance
Tirukoilur
Villupuram District
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for records relating to the impugned proceedings issued by the 7th respondent under section 7 notice (Namuna) dated 23.06.2016 and subsequent Notice (Namuna) dated 01.07.2016 under Section 6 of the Land Encroachment Act 1905 and quash the same and consequently directing the third respondent to consider the petitioner's representation dated 14.07.2016.

For Petitioner :: Mr.K.T.S.Sivakumar

For Respondents:: Mrs.A.Srijayanthi
Special Government Pleader

ORDER

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

The petitioner seeks for issuance of a writ of certiorarified mandamus, to call for records relating to the impugned proceedings issued by the seventh respondent under section 7 notice (Namuna) dated 23.06.2016 and the subsequent Notice (Namuna) dated 01.07.2016 under Section 6 of the Land Encroachment Act, 1905, quash the same and consequently directing the third respondent to consider the petitioner's representation dated 14.07.2016.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader taking notice on behalf of the respondents.

3. It appears that the petitioner is said to have purchased the property in S.No.33/15 at Memalur Village, Tirukoilur Taluk during 2012 and residing therein. The seventh respondent is said to have issued a notice under Section 7 of the Tamil Nadu Land Encroachment Act on 23.6.2016 in the name of the petitioner's husband. The grievance of the petitioner is that without considering the petitioner's reply, the seventh respondent has issued the notice under Section 6 of the Tamil Nadu Land Encroachment Act. Though the petitioner is said to have sent a detailed representation subsequently, the same is said to have been not considered properly.

4. It appears that the petitioner is said to have filed an appeal before the District Revenue Officer, Villupuram District and is also said to have given a representation to the District Collector, Villllupuram District. In the representation, she has stated that in S.No.33/15, there is a shed/thatched roof house

and she has also requested the authority to pass orders not to remove the roof by the Assistant Divisional Engineer (Highways), Tirukoilur and not to interfere with her possession. According to the petitioner, initially the land in which she had constructed a house belonged to one Chokkalinga Udayar, Memalur Village. After his demise, his elder son Mr.Durairaj had transferred the patta in his favour and was in possession and enjoyment of the same. After the demise of the said Durairaj, his wife had executed a sale deed during 2012 in favour of one Ganesan Udayar, Memalur village and the above said Ganesan Udayar executed a sale deed on 25.4.2012 in favour of the petitioner. According to her, there is a poramboke land to an extent of one cent comprised in S.No.29/3 situated in front of her land/house, of which she is in possession and enjoyment. Earlier the same was in enjoyment of her vendor Ganesan Udayar and his predecessors, namely, Durairaj Udayar, Chokalinga Udayar since 65 years. Since the said representation has not been considered, she is before this Court.

5. In view of the above, it is for the second and third respondents to consider the representation of the petitioner dated 14.7.2016 and to do the needful in accordance with law within a period of one month from the date of receipt of a copy of this order. Till the representation is disposed of, status quo shall be maintained. With this observation, the writ petition stands disposed of. Consequently, W.M.P.No.22074 of 2016 is closed. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To

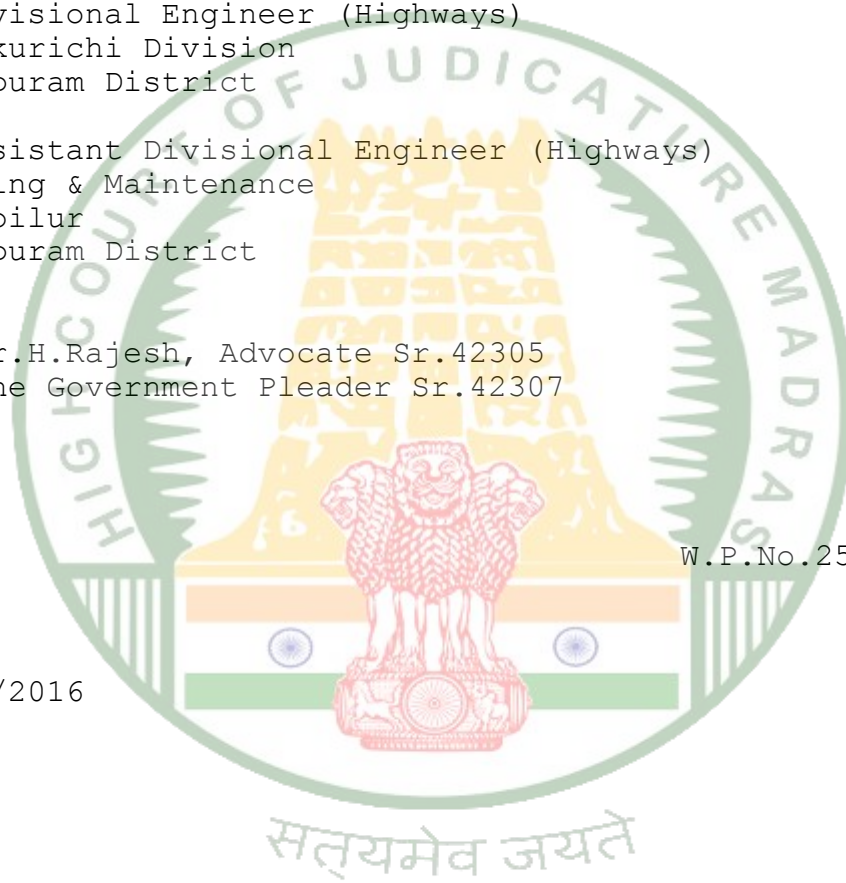
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+lcc to Mr.H.Rajesh, Advocate Sr.42305
+lcc to the Government Pleader Sr.42307

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pvs[col]
srg 16/08/2016



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