

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2016

CORAM

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

W.P.Nos.26219 to 26221 of 2016

Shanthi
W/o Krishnan

.. Petitioner in W.P.No.26219 of 2016

Victoria
W/o Murali

.. Petitioner in W.P.No.26220 of 2016

Thaiyalnayaki
W/o Shankar
2016

-vs-

1. The State of Tamil Nadu
rep.by the Secretary
Revenue Department
Fort St.George
Chennai 600 009

2. The District Collector
Villupuram District
Villupuram

3. The Block Development Officer
Kanai
Villupuram

4. The Tahsildar
Villupuram Taluk
Master Plan Complex
Villupuram

5. The President
Kuppam Panchayat
Kanai Post, Villupuram

.. Respondents in all the writ
petitions

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the third respondent relating to the notices dated 4.7.2016 issued by him to the petitioners under Section 6 of the Tamil Nadu Land Encroachment Act, Act 3 of 1905, quash the same and direct the respondents to grant patta to the respective petitioners for the properties in S.No.198/2 within Muneeswarar Koil Street, Kuppm Village, Kanai Post, Villupuram and with Door No.1/98, New No.385, Muneeswarar Koil Street, Kuppm Village, Kanai Post, Villupuram.

For Petitioners :: Mrs.Hema Sampath
Senior Counsel for
Mrs.R.Meenal

For Respondents :: Mrs.A.Srijayanthi
Special Government Pleader
for R1, R2 & R4
Mr.Rajendira Narasimhan for R3 & R5

ORDER

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

The petitioners seek for issuance of a writ of certiorarified mandamus, to call for the records of the third respondent relating to the notices dated 4.7.2016 issued to the petitioners under Section 6 of the Tamil Nadu Land Encroachment Act 1905, quash the same and to direct the respondents to grant patta to the respective petitioners for the properties in S.No.198/2 within Muneeswarar Koil Street, Kuppm Village, Kanai Post, Villupuram and with Door No.1/98, New No.385, Muneeswarar Koil Street, Kuppm Village, Kanai Post, Villupuram.

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

3. It appears that the petitioners have put up cement sheet (asbestos) houses in S.No.198/2 within Muneeswarar Koil Street, Kuppm Village, Kanai Post, Villupuram and residing therein for the last 20 years after getting electricity connection and paying the statutory dues. The fifth respondent is said to have issued notices under Section 7 of the Tamil Nadu Land Encroachment Act during November, 2015. The grievance of the petitioners is that without considering their reply, the third respondent has issued the impugned notices dated 4.7.2016 under Section 6 of the Tamil Nadu Land Encroachment Act directing them to vacate from the land within 15 days of the receipt of

notices, failing which they would be evicted. Hence the petitioners are before this Court apprehending eviction and demolition of the construction etc.

4. Since the petitioners are said to have given representations to the District Collector, Villupuram District on 18.7.2016 & 22.7.2016 respectively not to interfere with their possession on the ground that they are residing in the place in question for the last 20 years and also paying the statutory dues, it is for the second respondent-District Collector to consider the same and to pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of this order. Till then, the respondents shall not take any coercive action against the petitioners. It is also open for the petitioners to file statutory appeals in accordance with law before the appellate authority. The writ petitions are disposed of accordingly. Consequently, W.M.P.Nos.22479 to 22481 of 2016 are closed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ss

To

1. The Secretary to Government
Revenue Department
Fort St.George
Chennai 600 009
2. The District Collector
Villupuram District
Villupuram
3. The Block Development Officer
Kanai
Villupuram
4. The Tahsildar
Villupuram Taluk
Master Plan Complex
Villupuram

+3 ccs to M/s.R.Meenal Advocate sr.42697 to 42699

W.P.Nos.26219 to 26221 of 2016

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