

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 2.8.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.Nos.26782 to 26784 of 2016
and
W.M.P.Nos.23034 to 23036 of 2016

K.Dharmalingam ...Petitioner in WP.26782/16
P.Ramalingam ...Petitioner in WP.26783/16
D.Murugesan ...Petitioner in WP.26784/16

Versus

The Revenue Inspector
Kattukottai Attur Taluk
Salem District ...Respondent in all the
Writ Petitions

Prayer: Writ petitions filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the respondent pertaining to his proceedings dated 22.7.2016 and quash the same.

For petitioners : Mr.G.Arul Murugan

For Respondent : Mr.P.S.Sivashanmugasundaram,
Special Govt. Pleader

COMMON ORDER

(Order of the court was made by M.JAICHANDREN, J.)

Heard the learned counsel appearing for the parties.

2. The above writ petitions have been filed by the petitioners praying that this court may be pleased to issue writs of certiorari calling for the records of the respondent, pertaining to his proceedings, dated 22.7.2016 and quash the same.

3. The main contention raised on behalf of the petitioners is that they are occupying portions of the land, in S.No.106, 107 and 109, in Athur Taluk, Salem District. It has been stated that the petitioners have been in occupation and enjoyment of

the lands in question for over 100 years. It has also been stated that the lands in question are classified as 'Odai Poramboke'. The learned counsel had further submitted that the impugned notice issued, under section 7 of the Tamil Nadu Land Encroachment Act, 1905, by the respondent, is without authority or jurisdiction. He had also submitted that the enquiry, relating to the alleged encroachment by the petitioners, ought to be conducted by the Deputy Tahsildar or the District Collector concerned and not by the respondent.

4. Per contra, the learned Special Government Pleader appearing for the respondent, had submitted that the impugned notice had been issued by the respondent calling the petitioners to appear before him, on 30th of July, 2016, to place all the relevant documents before him. However, the notice does not say that further enquiry would be conducted by the respondent.

5. In such circumstances, we are of the considered view that the impugned notice, issued by the respondent, cannot be held to be invalid in the eye of law. Hence, the writ petitions stand dismissed. However, it is made clear that it would be open to the petitioners to appear before the respondent, at 10.30 am, on 8.8.2016, alongwith the the relevant documents, as may be required, to prove their possession and enjoyment of the lands in question. Thereafter, it is for the authority concerned to take appropriate steps in the matter, in accordance with law. No costs. The connected miscellaneous petitions are also dismissed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

To:

The Revenue Inspector
Kattukottai Attur Taluk
Salem District

+1 cc to Mr.G.Arul Murugan Advocate sr 43682

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