

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 19-09-2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.31790 TO 31793 of 2016

P.Radhakrishnan ... Petitioner in W.P.No.31790/2016
Palani ... Petitioner in W.P.No.31791/2016
Chinnarasu ... Petitioner in W.P.No.31792/2016
Raja ... Petitioner in W.P.No.31793/2016

-vs-

- 1.The District Collector,
Salem,
Salem District.
- 2.The Tahsildar,
Kadayampatti,
Omalur Taluk,
Salem District.
- 3.The Village Administrative Officer,
Tenishpettai Village and Post,
Omalur Taluk,
Salem District.
- 4.The Revenue Inspector,
Kadayampatti,
Taluk Office,
Omalur Taluk,
Salem District. ... Respondents in all W.Ps.

W.P.No.31790 of 2016 is filed praying for issuance of a writ of certiorari to call for the records relating to the impugned notice, dated 30.08.2016, passed by the fourth respondent U/S.7 of the Tamil Nadu Land Encroachment Act,1905, in respect of the land in S.No.183/2 to an extent of 20 cents situated at Danishpettai Village, Omalur Taluk, and quash the same.

W.P.No.31791 of 2016 is filed praying for issuance of a writ of certiorari to call for the records relating to the impugned notice, dated 30.08.2016, passed by the fourth

respondent U/S.7 of the Tamil Nadu Land Encroachment Act,1905, in respect of the land in S.No.183/2 to an extent of 15 cents situated at Danishpettai Village, Omalur Taluk, and quash the same.

W.P.No.31792 of 2016 is filed praying for issuance of a writ of certiorari to call for the records relating to the impugned notice, dated 30.08.2016, passed by the fourth respondent U/S.7 of the Tamil Nadu Land Encroachment Act,1905, in respect of the land in S.No.183/2 to an extent of 30 cents situated at Danishpettai Village, Omalur Taluk, and quash the same.

W.P.No.31793 of 2016 is filed praying for issuance of a writ of certiorari to call for the records relating to the impugned notice, dated 30.08.2016, passed by the fourth respondent U/S.7 of the Tamil Nadu Land Encroachment Act,1905, in respect of the land in S.No.183/2 to an extent of 20 cents situated at Danishpettai Village, Omalur Taluk, and quash the same.

For petitioner in all W.Ps. : Mr.M.Elango

For respondents in all W.Ps. : Mr.K.Dhananjayan,
Spl.Govt.Pleader.

O R D E R

(Order of the Court was made by Huluvadi G.Ramesh, J.)

Heard Mr.M.Elango, learned counsel for the petitioners; and Mr.K.Dhananjayan, learned Special Government Pleader, appearing for the respondents.

2. According to the petitioners, they have been in possession of the lands in question for several years, by doing cultivation; the said lands have also been assessed for tax; and, accordingly, they are paying the tax. It is the further case of the petitioners that when they are genuine possession of the lands, the fourth respondent has issued the impugned notices, calling for eviction, against the provisions of law. The petitioners have also questioned the very authority of the Revenue Inspector to issue the impugned notices and also as to the non-mentioning of the authority, to whom the replies have to be furnished.

3. As a matter of fact, the challenge in these Writ Petitions is to the show cause notices, dated 30.08.2016, issued by the fourth respondent - Revenue Inspector, calling upon the petitioners to explain why they should not be evicted from the lands in question. According to the respondents, the petitioners are encroachers of the lands and, therefore, the impugned show cause notices have been issued.

4. On a perusal of the provisions of the Tamil Nadu Land Encroachment Act, 1905, it is seen that the Revenue Inspector, who is also an officer, is competent to issue the impugned notices. Such being the position, the contention of the petitioners that the notices issued under Section 7 of the Act are not maintainable cannot be countenanced. Further, the petitioners have not submitted reply to the notices. Therefore, it is for the petitioners to submit reply to the show cause notices within a period of one week from the date of receipt of a copy of this order and, thereafter, if they are aggrieved by the orders passed by the Revenue Inspector, it is open for them to approach the Tahsildar, Deputy Collector and finally the District Collector under Section 10-A of the Act, as the case may be. There shall be an order of status quo for a period of two weeks.

5. Writ Petitions are disposed of accordingly. No costs. Consequently, the connected W.M.P.Nos. 27572, 27574, 27576 and 27578 of 2016 are closed.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector, Salem, Salem District.

2. The Tahsildar,
Kadayampatti, Omalur Taluk, Salem District.

3. The Village Administrative Officer,
Tenishpettai Village and Post,
Omalur Taluk, Salem District.

4. The Revenue Inspector,
Kadayampatti, Taluk Office,
Omalur Taluk, Salem District.

1 cc to Mr. M. Elango, Advocate, sr. 53231
1 cc to The Government Pleader, sr. 53480

W.P.No. 31790 TO 31793 OF 2016

sk co
kra 30.09.2016