

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2016

CORAM

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

Writ Petition Nos.32144 to 32149 of 2016
and
W.M.P.Nos.27890 to 27895 of 2016

Dharmasekaran ...Petitioner in WP.32144/2016
Veeraragavan ...Petitioner in WP.32145/2016
Subbian ...Petitioner in WP.32146/2016
Lakshmi ...Petitioner in WP.32147/2016
Vijayalakshmi ...Petitioner in WP.32148/2016
Latha ...Petitioner in WP.32149/2016

Vs.

- 1.The Collector,
Villupuram District.
- 2.The Sub Collector,
Tindivanam,
Villupuram District.
- 3.The Tahsildar,
Marakkanam Taluk.

...Respondents in all WPs

Common Prayer in all WPs.

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records and notices in A2/1312/16 dated 18.07.2016 on the file of the third respondent issued against the petitioners under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and quash the same as illegal.

For Petitioners : Mr.J.Antony Jesus for all WPs
For Respondents : Mr.P.S.Sivashanmugasundaram, SGP
for all Wps

COMMON ORDER

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

Heard Mr.J.Antony Jesus, learned counsel for the petitioners and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, who accepts notice on behalf of the respondents. With the consent of both the parties, all the writ petitions are taken up for final disposal at the stage of admission itself.

2. Challenging the notices dated 18.07.2016 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter shortly referred to as 'Act'), the petitioners have come forward with these writ petitions.

3. According to the petitioners, they have been in possession and enjoyment of Kallanguthu poromboke land in Kolathur Village by constructing houses. They have been issued with ration card, Aadhar Card etc. and they are regularly paying the property tax and electricity consumption charges to the authorities concerned. They have also applied for issuance of patta in respect of their respective properties. However, notices dated 18.07.2016 were issued by the third respondent under Section 7 of the Act, stating that the petitioners are occupying the Government land without permission and calling upon the petitioners to submit their explanation within a period of 15 days from the date of receipt of the said notices, as to why they should not be evicted from the said land. Aggrieved over the said notices, the petitioners have filed the present writ petitions.

4. Considering the facts and circumstances of the case, we are of the view that as against the impugned notices dated 18.07.2016 issued by the third respondent, the petitioners can file appeal/revision before the District Collector under Section 10A of the Act. Without exhausting the appeal remedy, the petitioners have straight away approached this Court with the present petitions. Therefore, it is for the petitioners either to give reply to the notices issued by the third respondent or to file appeal/revision before the first respondent and produce all the materials in support of their respective claims, within a period of one month from the date of receipt of a copy of this order. On receipt of the same, the authority concerned shall

consider the same and pass necessary orders in accordance with law, after affording an opportunity of personal hearing to the petitioners, within a period of two months thereafter. Until a decision be taken by the authority concerned, the parties are directed to maintain status quo as on today.

5. Accordingly, all the writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

1.The Collector,
Villupuram District.

2.The Sub Collector,
Tindivanam,
Villupuram District.

3.The Tahsildar,
Marakkanam Taluk.

+2 CC to M/s. J. Antony Jesus, Advocate Sr.No.52204

+1 CC to Government Pleader. Sr.No.52541

W.P.Nos.32144 to 32149 of 2016

SSK (CO)

MD : 13/10/2016

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