

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. Nos.34223 to 34225 of 2016
and W.M.P.Nos.29529 to 29531 of 2016

P.Chandramurthy .. Petitioner in WP.34223/16
I.Sivakumar .. Petitioner in WP.34224/16
Amirtham .. Petitioner in WP.34225/16

-vs-

- 1.The District Collector,
Salem 636 001.
- 2.The Revenue Divisional Officer,
Salem 636 001.
- 3.The Tahsildar,
Salem Taluk, Salem 636 001.
- 4.The Revenue Inspector,
Salem Town, Salem 636 001. .. Respondents in all WPs.

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the entire records relating to the impugned notice dated 03.09.2016 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, issued by the 4th respondent and order dated 19.09.2016 issued under Section 6 of the said Act passed by the 3rd respondent and to quash the said orders in respect of the petitioners' land and house measuring 0.128.0 sq.ft in T.S.No.149/2 (Old S.No.123/2); 0.0089.0 sq. ft. in T.S.No.149/3 (Old S.No.123/2); and 0.128.0 sq. mt. in T.S.No.149/2 (Old S.No.123/2) respectively in Ward H Block 37, No.52, Hasthampatty Village, Salem Taluk and Salem District.

For Petitioners : Mr.P.Jagadeesan

For Respondents : Mr.M.K.Subramanian,
Govt. Pleader.

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

On hearing the learned counsel for parties, it is agreed as under:

1. The petitioners will avail of the appellate remedy under Section 10 of the Land Encroachment Act, 1905, within ten (10) days from today, which would then be examined on merits;
2. Along with the appeal, application for interim stay would also be filed;
3. Till the consideration of the interim application, the impugned notice under Section 6 of the said Act would not be given effect to, making it clear that it has no reflection on the merits of the controversy.

2. Writ petitions, accordingly, stand disposed of. No costs. Consequently, miscellaneous petitions stand closed.

3. The original orders filed in these writ petitions be returned to the petitioners, while keeping copies on record.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Salem 636 001.

2. The Revenue Divisional Officer,
Salem 636 001.

3. The Tahsildar,
Salem Taluk, Salem 636 001.

4. The Revenue Inspector,
Salem Town, Salem 636 001.

+3cc to Mr. P. Jagadeesan, Advocate Sr. 55888

+1cc to the Government Pleader Sr. 56078

W.P. Nos. 34223 to 34225 of 2016

vsn[co]
srg 30/09/2016