

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2016

CORAM

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

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.6613, 6862, 7095 to 7101 of 2016 (9 Nos.)

|                 |                  |               |
|-----------------|------------------|---------------|
| Jega            | .. Petitioner in | W.P.6613/2016 |
| Sakkubai        | .. Petitioner in | W.P.6862/2016 |
| B.Rajaram       | .. Petitioner in | W.P.7095/2016 |
| K.Vasu          | .. Petitioner in | W.P.7096/2016 |
| Prema Mary      | .. Petitioner in | W.P.7097/2016 |
| K.Murthy        | .. Petitioner in | W.P.7098/2016 |
| S.Pandirathinam | .. Petitioner in | W.P.7099/2016 |
| R.Jones         | .. Petitioner in | W.P.7100/2016 |
| R.Subramani     | .. Petitioner in | W.P.7101/2016 |

-vs-

1.The Government of Tamil Nadu,  
rep. by its Secretary,  
Revenue Department,  
Fort St. George,  
Chennai-600 009.

2.The District Collector,  
Tiruvallur District,  
Tiruvallur.

3.The Revenue Divisional Officer,  
Ambattur,  
Chennai.

4.The Tahsildar,  
Avadi Taluk,  
Avadi,  
Tiruvallur District.

5.The Commissioner,  
Avadi Municipality,  
Avadi,  
Tiruvallur District.

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6.The Firka Revenue Inspector,  
16, Thirumullaivoyal,  
Tiruvallur District.

.. Respondents in all WPs

Writ Petition No.6613 of 2016 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records pertaining to the impugned notice issued by the 4<sup>th</sup> respondent, dated 04.02.2016 in respect of the house property of the petitioner, situated in Survey No.468, Thirumullaivoyal village, Avadi Taluk, Tiruvallur District and quash the same.

Writ Petition Nos.6862, 7095 to 7101 of 2016 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records pertaining to the impugned notice issued by the 4<sup>th</sup> respondent, dated 11.02.2016 in respect of the house property of the petitioners, situated in Survey No.468, Thirumullaivoyal village, Avadi Taluk, Tiruvallur District and quash the same.

For Petitioners : Mr.S.R.Rajagopal  
for  
M/s.P.S.Amalraj

For Respondents : Mr.P.H.Arvind Pandian  
Addl. Advocate General  
assisted by  
Mr.STS.Moorthy  
Govt. Pleader &  
Mr.V.Shanmugasundar  
Govt. Advocate for R1 to R4 and R6  
Mr.P.Srinivas for R5

COMMON ORDER

The petitioners, who are encroachers admittedly have come forward with these writ petitions challenging the eviction notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

2. The learned counsel appearing for the petitioners submitted that though a different stand was taken by the respondents on the nature of the land as Vandipattai (cart track), the eviction orders were passed on the premise as a water body. It is the further submission that no enquiry was conducted before passing the orders impugned. As rightly submitted by the learned Additional Advocate General, the question whether the land is classified as Vandipattai or water body is irrelevant as in any case by the own admission of the

learned counsel for the petitioners it is the Government land. Admittedly, the eviction notice issued under Section 6 of the Act was preceded by the notice under Section 7 as mandated under the Act. There need not be an exhaustive enquiry while passing the orders impugned since the object is to put the petitioners on notice before eviction particularly in the absence of any dispute on the nature of the land being the one belonged to the Government. Furthermore, even as per the submissions made by the learned counsel for the petitioners, the encroached portions have been removed. Thus, for the foregoing reasons, we do not find any reason to interfere with the orders impugned.

3. Accordingly, the writ petitions stand dismissed. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

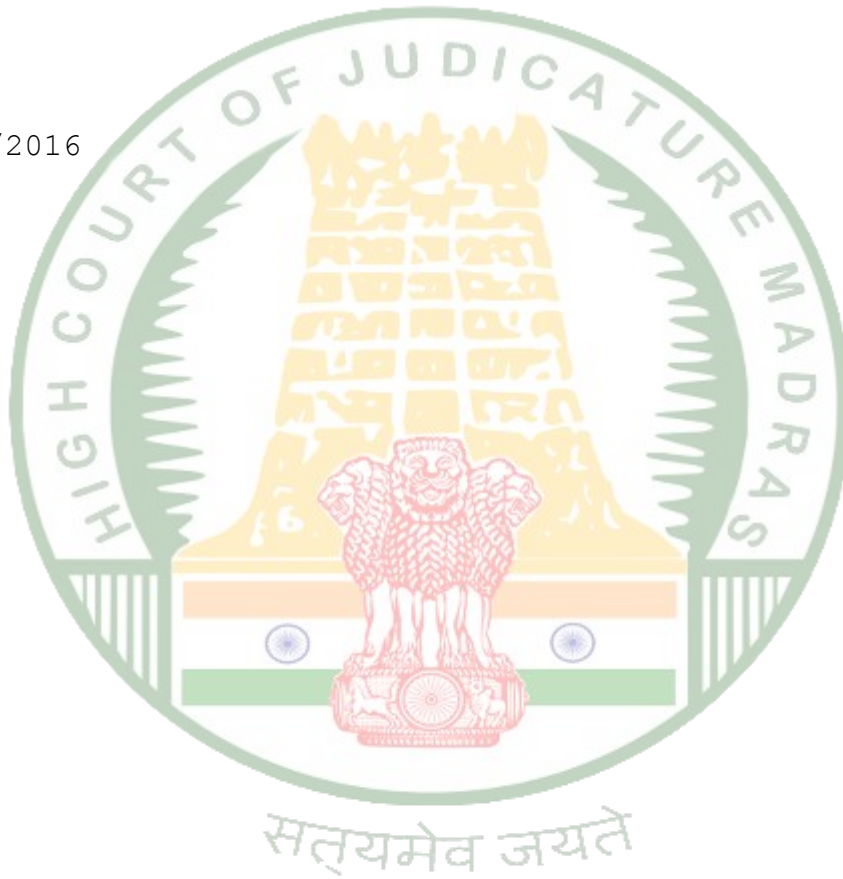
- 1.The Secretary,  
The Government of Tamil Nadu,  
Revenue Department,  
Fort St. George,  
Chennai-600 009.
- 2.The District Collector,  
Tiruvallur District, Tiruvallur.
- 3.The Revenue Divisional Officer,  
Ambattur, Chennai.
- 4.The Tahsildar,  
Avadi Taluk,  
Avadi, Tiruvallur District.
- 5.The Commissioner,  
Avadi Municipality,  
Avadi, Tiruvallur District.

6.The Firka Revenue Inspector,  
16, Thirumullaivoyal,  
Tiruvallur District.

+1cc to Mr.P.Srinivas, Advocate Sr.27935 [31/05/2016]

W.P.Nos.6613, 6862, 7095 to 7101 of 2016

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srg 19/05/2016



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