

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. Nos.804 to 818 of 2016 and W.M.P. Nos.619 to 633 of 2016

R.Thavamani ...Petitioner in WP No.804 of 2016
V.Natarajan ...Petitioner in WP No.805 of 2016
N.Karunanithi ...Petitioner in WP No.806 of 2016
R.Marimuthu ...Petitioner in WP No.807 of 2016
P.Pannerselvam ...Petitioner in WP No.808 of 2016
Natarajan ...Petitioner in WP No.809 of 2016
P.Pannirselvam ...Petitioner in WP No.810 of 2016
R.Magendran ...Petitioner in WP No.811 of 2016
G.Selladurai ...Petitioner in WP No.812 of 2016
R.Kalidoss ...Petitioner in WP No.813 of 2016
S.Janakiammal ...Petitioner in WP No.814 of 2016
J.Latha ...Petitioner in WP No.815 of 2016
M.Vemba ...Petitioner in WP No.816 of 2016
M.VeeramaniKandan @
Manikandan ...Petitioner in WP No.817 of 2016
S.Subramanian ...Petitioner in WP No.818 of 2016

Vs.

- 1 The Tahsildar
Tiruruthuraipoondi Taluk
Thiruvarur District
 - 2 The District Collector
O/o the District Collectorate
Thiruvarur District
 - 3 The Secretary to the Government
Public Works Department
Fort St. George
Chennai 600 009
-Respondents in all WPs

Common Prayer

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a writ of certiorari, calling for the records in Na.Ka.5396/A2/2015 dated 28.12.2015 on the file of the first respondent and quash the same as illegal, arbitrary and against the law.

For petitioner in :Dr. A. Thyagarajan, Sr. Counsel
all the WPs for Mr. D. Veerasekaran

For respondents in :Mrs. A. Srijayanthi
all the WPs Spl. Govt. Pleader

COMMON ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the respondents. With the consent of the learned counsel for the parties, the writ petitions are taken up for final disposal, at the admission stage itself.

2 Impugning the notices issued under Section 6(1) of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act"), the petitioners have come up with these writ petitions.

3 Concededly, before issuance of the impugned notices under Section 6(1) of the Act, the petitioners were given prior notice as contemplated under Section 7 of the Act in the form of show cause notice. After considering the case of the petitioners, the instant impugned notices were issued.

4 Under the provisions of the Act, as against the notice issued under Section 6 of the Act, statutory appeal under Section 10 of the Act will lie before the District Collector. Further, under Section 10-B of the Act, the petitioners are also entitled to seek interim relief, in the facts of the case.

5 In such view of the matter, no extraordinary circumstance has arisen to entertain the instant writ petitions invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Thus, we dismiss the writ petitions reserving liberty to the petitioners to prefer appeals under Section 10 of the Act challenging the notices impugned herein and also interlocutory applications seeking stay under Section 10-B of the Act, if so advised. For a period of two weeks, status quo as obtained today, in respect of the properties in question, shall be

maintained by both the parties. Costs made easy. Connected W.M.Ps. are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1 The Tahsildar,
Tiruruthuraipoondi Taluk,
Thiruvarur District.
- 2 The District Collector,
O/o the District Collector,
Thiruvarur District.
- 3 The Secretary to the Government,
Public Works Department,
Fort St. George,
Chennai 600 009.

+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.2026
+1cc to the Government Pleader, S.R.No.2331

Common order in
W.P. Nos.804 to 818 of 2016

scd(CO)
srg(27/01/2016)

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