

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 10.03.2017

CORAM

THE HONOURABLE MR. HULUVADI G.RAMESH, ACTING CHIEF JUSTICE  
AND  
THE HONOURABLE MR. JUSTICE M.SUNDAR

W.P. NO. 5809 TO 5814 OF 2017

AND

W.M.P. NOS. 6224 TO 6235 OF 2017

W.P. NO. 5809 OF 2017

G.L.Narayanan ... Petitioner in WP.No.5809/2017

|                    |                            |
|--------------------|----------------------------|
| Jeya Soundararajan | Petitioner in WP.5810/2017 |
| M. Gunasekaran     | Petitioner in WP.5811/2017 |
| S. Arulmozhiselvan | Petitioner in WP.5812/2017 |
| G.K. Stalin        | Petitioner in WP.5813/2017 |
| S.D. Kumaresan     | Petitioner in WP.5814/2017 |

- Vs -

1. The State rep. By  
The Secretary to Government  
Revenue Department  
Secretariat, Chennai 600 009.
2. The Commissioner of Land Administration  
Ezhilagam Buildings  
Chepauk, Chennai 600 005.
3. The District Collector  
Salem District, Salem.
4. The Revenue Divisional Officer  
Salem, Salem District.
5. The Tahsildar  
Salem Taluk, Salem District. . Respondents in all WPs

Common Prayer in WP.No.5809 to 5814/2017 W.P. No.5809 of 2017 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus to call for the records of the impugned order in Na.Ka. No.616/2013/A2 dated 30.01.2017 passed by the 4<sup>th</sup> respondent and quash the same

and consequently direct the respondents to adhere the G.O. (Ms.) No.638 issued by Revenue (Ni. Mu.3.1) Department dated 2.11.2007 and G.O. (Ms.) No.253 issued by Revenue (Ni. Mu 3.1) Department dated 20.05.2008.

For Petitioners : Mr. N.G.R.Prasad for  
Mr. M.Rajendiran  
For Respondents : Mr.M.K.Subramanian, Govt., Pleader

ORDER

(DELIVERED BY THE HON'BLE ACTING CHIEF JUSTICE)

This petition has been filed by the petitioner to call for the records of the impugned order in Na.Ka. No.616/2013/A2 dated 30.01.2017 passed by the 4<sup>th</sup> respondent and quash the same and consequently direct the respondents to adhere the G.O. (Ms.) No.638 issued by Revenue (Ni. Mu.3.1) Department dated 2.11.2007 and G.O. (Ms.) No.253 issued by Revenue (Ni. Mu 3.1) Department dated 20.05.2008.

2. Heard the learned counsel appearing for the petitioners and the learned Government Pleader appearing for the respondents.

3. It is the plea of the petitioners, who are working as Reporters/Photographers, that pattas were issued to the press reporters in a sum of Rs.25,000/= each during 2007 consequent upon G.O. 638 after converting the lands into Natham poramboke. Through another G.O. No.253, the terms and conditions of allotment were stipulated. In the W.P. No.5163/2016 filed before this Court seeking removal of encroachments on Kollam Kuttai Lake, this Court directed to cause survey and verify the extent of encroachment. In subsequent writ petitions, exparte order was passed without disclosing the actual position and the Government has also passed orders thereon. In such a backdrop, the 4<sup>th</sup> respondent has cancelled the patta issued to the petitioners. Challenging the said action of the 4<sup>th</sup> respondent, the present petitions have been preferred.

4. It is brought to the notice of this Court that Section 7 notice has been issued under the Land Encroachment Act and apprehending demolition, the petitioners, who are patta holders have come before this Court. It is borne out by records that show cause notice has been issued to the petitioners, for which the petitioners are bound to give their replies. On being satisfied with the replies, it is for the respondent authority to pass necessary orders in accordance with Section 6 of the Act and in case of any further grievance, appellate remedy is available to the petitioners under Section 10 of the Act before the District Collector. The legal route having been laid out as narrated above, it is premature for the petitioners to come before this Court by filing these petitions. In such view of

the matter, it would be suffice to direct the petitioners to submit their replies, which shall be considered by the concerned respondents/authorities in compliance of principles of natural justice and pass orders thereon in accordance with law.

5. Accordingly, this writ petition is disposed of directing the concerned respondents/authorities to pass orders in compliance of principles of natural justice and in accordance with law. However, there shall be an order of status quo till such time order is passed by the concerned respondents authorities on receipt of replies from the concerned petitioners. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Secretary to Government  
Revenue Department  
Government of Tamil Nadu  
Secretariat, Chennai 600 009.
2. The Commissioner of Land Administration  
Ezhilagam Buildings  
Chepauk, Chennai 600 005.
3. The District Collector  
Salem District, Salem.
4. The Revenue Divisional Officer  
Salem, Salem District.
5. The Tahsildar  
Salem Taluk, Salem District.

rsk(CO)  
md(27/04/2017)

W.P. NOS. 5809 TO 5814 OF 2017