

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND

THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.Nos.7880 and 7881 of 2017

V.Padmavathy ... Petitioner in
WP.7880/2017

K.Velu ... Petitioner in
WP.7881/2017

Vs.

- 1 The District Collector
Kanchipuram District.
- 2 The Tahsildhar
Tahsildar Office, Thiruporur Taluk
Kanchipuram District. ... Respondents in both Wps.

PRAYER: Petitions under Article 226 of the Constitution of India for issuance of writ of Certiorari calling for the records of the 2nd respondent dated 16.3.2017 in Ref.No.RF XIV C1 - 3,00,000 GBP -Mdo-2006 and quash the same.

For Petitioners in : Mr.A.Jenasenan
both Wps

For Respondents in : Mr.R.Vijayakumar
both Wps Addl. Government Pleader

COMMON ORDER

(Order of the Court was made by the Acting Chief
Justice)

Mr.R.Vijayakumar, learned Additional Government Pleader
takes notice for the respondents.

2. Heard the learned counsel for the parties.

3. The petitioners have filed these writ petitions seeking issuance of writ of Certiorari calling for the records of the 2nd respondent dated 16.3.2017 in Ref.No.RF XIV C1 - 3,00,000 GBP -Mdo-2006 and quash the same.

4. The petitioners claim to be in occupation of the property for more than 10 years and state that in such cases pattas were also granted to the occupants. While so, the respondent authorities issued notices under Section 7 of the Tamil Nadu Land Encroachment Act, followed by the proceedings dated 16.3.2017 under Section 6 of the said Act. The petitioners plead that the subject land is no longer classified as a "water body", as for more than 50 years no water was stored or stagnated there. Assailing the proceedings dated 16.3.2017, the present writ petitions are filed for the relief stated supra.

5. It is not in dispute that against the orders impugned in these writ petitions there is an appellate remedy available to the petitioner under Section 10 of the Tamil Nadu Land Encroachment, Act, 1905. In such circumstances, it is for the petitioners to approach the first respondent/appellate authority so that they will have an opportunity to explain their grievance for its redressal. The petitioners are granted one month time to prefer appeals. On such appeals being filed, the appellate authority shall consider the same in accordance with law and pass appropriate orders within two months from the date of filing of such appeals. The petitioners are at liberty to raise all the grounds raised in the present writ petitions before the appellate authority. Till the disposal of the appeals, no coercive action shall be taken by the respondent authorities.

These writ petitions are disposed of accordingly. No costs. Consequently, W.M.P.No.8594 and 8595 of 2017 are closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sasi

To:

1.The District Collector
Kanchipuram District.

2.The Tahsildhar

WEB COPY

Tahsildar Office, Thiruporur Taluk
Kanchipuram District.

+1cc to Mr.A. Jenasenan, Advocate Sr. 20391

+1cc to the Government Pleader, High Court, Madras Chennai.

W.P.Nos.7880 and 7881 of 2017

NMI (CO)
VR(13/04/2017)



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