

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2017

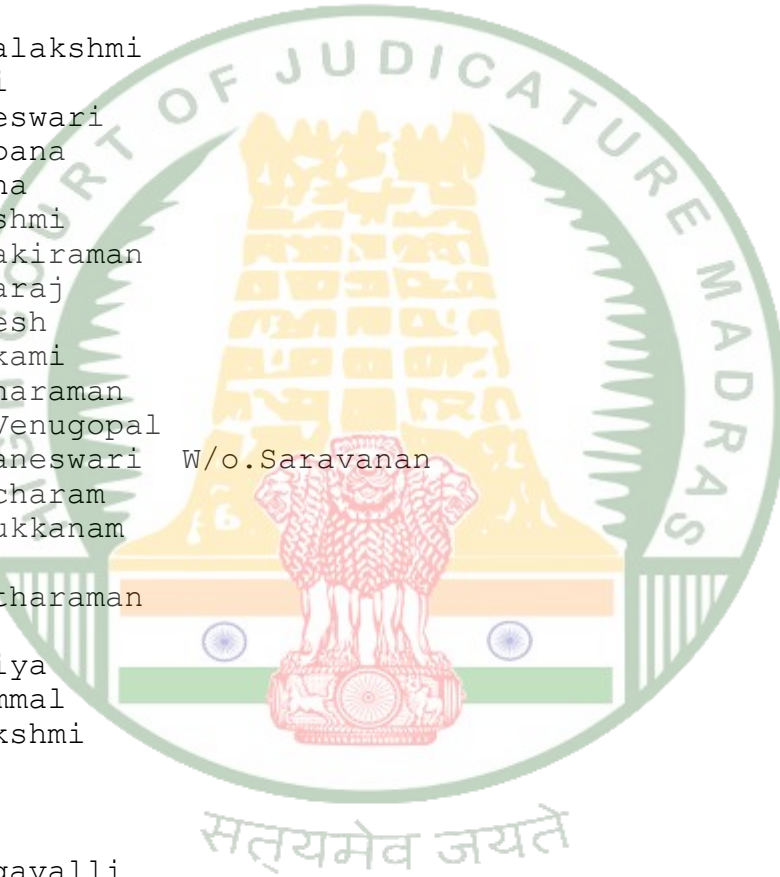
CORAM

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

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.5860 of 2017

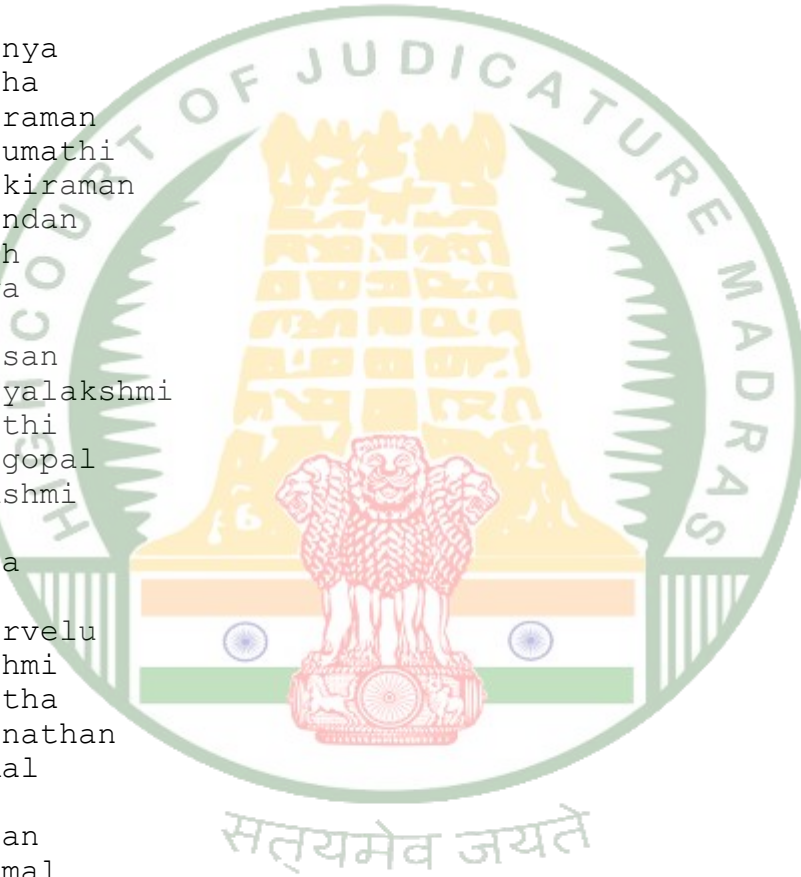
- 1 G.Jayalakshmi
- 2 Santhi
- 3 G.Rajeswari
- 4 P.Kalpana
- 5 Kumudha
- 6 S.Lakshmi
- 7 C.Janakiraman
- 8 Dharmaraj
- 9 C.Suresh
- 10 S.Sivakami
- 11 A.Seetharaman
- 12 Prema Venugopal
- 13 S.Bhuvaneswari W/o.Saravanan
- 14 Panchacharam
- 15 V.Thulukkanam
- 16 Raju
- 17 A.Anantharaman
- 18 Geetha
- 19 K.Nathiya
- 20 Velliammal
- 21 Gajalakshmi
- 22 Chitra
- 23 Santha
- 24 Komala
- 25 Shenbagavalli
- 26 Kalavathy
- 27 G.Nalini
- 28 S.Lalitha
- 29 K.Kasinathan
- 30 Nazeera Begum
- 31 Dass
- 32 Rajeswari
- 33 Karunakaran
- 34 Lalitha
- 35 Rajeswari
- 36 G.Manjula



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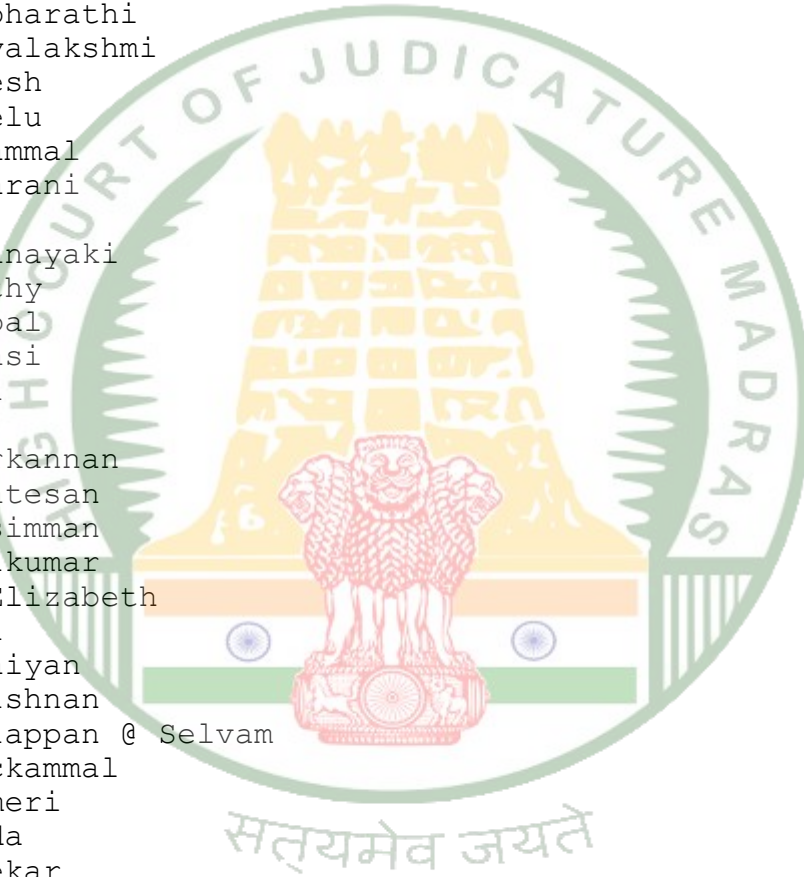
37 E.Dhanalakshmi
38 B.Kumar
39 C.Menaka
40 Kavitha
41 L.Umarani
42 GAnagadurai
43 Renuka
44 Reeta
45 M.Jayanthi
46 P.Mohan
47 M.Santhi
48 Vijayalakshmi
49 R.Valli
50 S. Saranya
51 S. Anitha
52 K. Balaraman
53 R. Indhumathi
54 S. Janakiraman
55 D. Govindan
56 G.Rajesh
57 E. Priya
58 S.Mary
59 T. Ganesan
60 M. Vijayalakshmi
61 K.Vasanthi
62 R. Banugopal
63 Jayalakshmi
64 A. Mari
65 V.Amudha
66 K. Devi
67 M.Kathirvelu
68 M. Lakshmi
69 R.Vasantha
70 S. Loganathan
71 Kullammal

72 P. Kannan
73 Kanniammal
74 B. Vijaya
75 S. Amirtham
76 Lalitha
77 P. Ambika
78 R. Manjula
79 R. Sundari
80 K. Sathish
81 L.Devaki
82 Saraswathi
83 A.Tamilarasi
84 M. Manickam
85 S. Mala



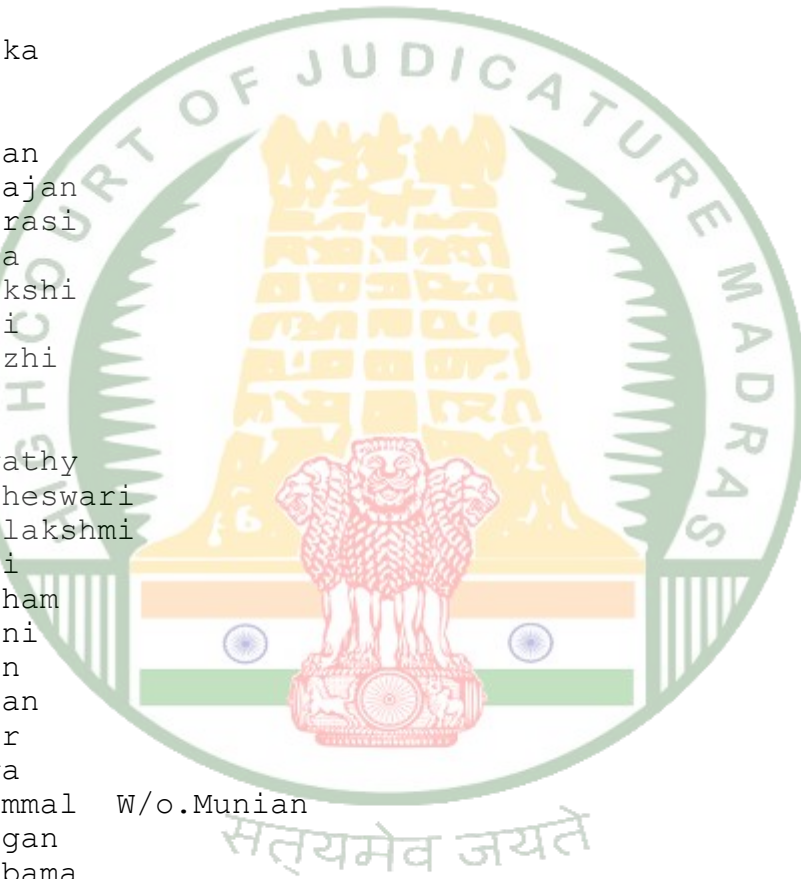
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86 R. Jothi
87 Mala
88 Arjunan
89 L. Baskar
90 Lakshmi
91 Lakshmi W/o.Shanmugam
92 U. Vasuki
93 K.Selvi
94 R.Kala
95 C.Uma
96 R.Saraswathy
97 M. Ramankutty
98 R.Jayabharathi
99 V.Vijayalakshmi
100 M. Rajesh
101 M.N. Velu
102 M.Muniammal
103 P. Nagarani
104 Pushpa
105 R. Vedanayaki
106 Ganapathy
107 N.Danabal
108 S.Thulasi
109 Komathi
110 Jothi
111 S.N.Karkannan
112 R.Venkatesan
113 A.Narasimman
114 N.Ezhilkumar
115 Deepa Elizabeth
116 Sengeni
117 B.Kannaiyan
118 Harikrishnan
119 M.Kanniappan @ Selvam
120 L.Manickammal
121 Loordumeri
122 D.Kumuda
123 Gnanasekar
124 B.Baskar
125 M.Srinivasan
126 G.Mathialagan
127 M.Arunprakash
128 K.Ramesh
129 N.Saravanakumar
130 B.Lingeswari
131 E.Sankar
132 Senthilkumar
133 K.Rajeshwar
134 Raziabee
135 K.Dhanalakshmi



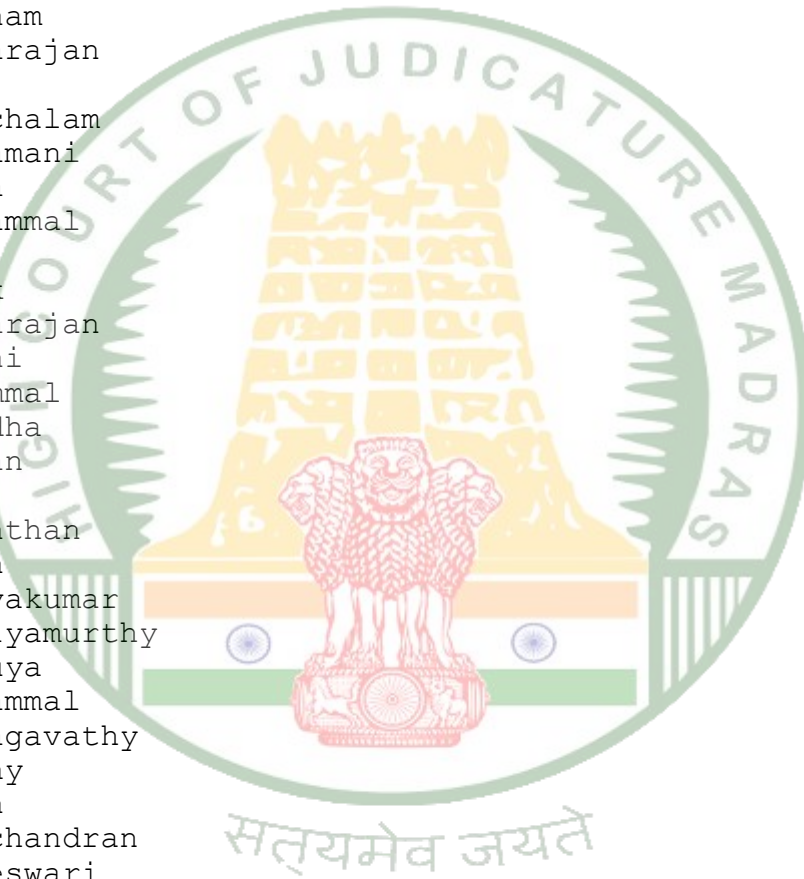
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136 A.Ramesh
137 C.Sarada
138 M.Veeraghavan
139 M.Lakshmi
140 Ellammal
141 Nagammal
142 Vijay
143 Chitra
144 Venkatesan
145 Kumaresan
146 B.Anandhi
147 P.Lalli
148 S.Devi
149 V.Mallika
150 Mohana
151 Santhi
152 Gajendran
153 N.Devarajan
154 D.Elavarasi
155 D.Pushpa
156 V.Meenakshi
157 Elumalai
158 Malarvizhi
159 D.Babu
160 Selvam
161 S.Rubavathy
162 D.Umamaheswari
163 V.Muthulakshmi
164 M.Santhi
165 Velayutham
166 Naraynini
167 Robinson
168 Saravanan
169 Ayyanaar
170 R.Sathya
171 M.Ponnammal W/o.Munian
172 Velmurugan
173 Sathiyabama
174 Gnanasekaran
175 Kanniammal
176 A.Mohan
177 P.Ponnusamy
178 Perumal
179 D.Elumalai
180 Gunasundari
181 M.Dhamodaran
182 M.Vijayalakshmi
183 Alamelu
184 Sumithra
185 Muthulakshmi



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186 K.Nithiyanandam
187 U. Renuka
188 Latha
189 Tamilselvi
190 Kamatchi
191 K.Venkatesan
192 K.Sundarrajan
193 K.Indira
194 K.Ilamparuthi
195 R.Dhanaskaran
196 D.Rajeswari
197 Gopi
198 S.Pushnam
199 Govindarajan
200 E.Ramu
201 V.Vedachalam
202 A.Selvamani
203 S.Prema
204 R.Saliammal
205 Panner
206 Karthik
207 G. Devarajan
208 Indirani
209 S.Nagammal
210 D.Kumudha
211 Govindan
212 Pushpa
213 Jayakanthan
214 M.Raman
215 K.T.Jayakumar
216 J.Sathiyamurthy
217 P.Anusuya
218 M.Kaliammal
219 R.Thilagavathy
220 Parvathy
221 Kesavan
222 E.Ramachandran
223 J.Dhaneswari
224 K.Vasudevan
225 Devaki
226 D.Anjalai
227 S.Parvathy
228 U.Omega
229 Sankar
230 Maheswari
231 J.Ramamurthy
232 A.Saraswathy
233 M.Selvakumar
234 V.Balakrishnan
235 Sankar



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236 K.T.Jayakumar
237 U.Umasankari
238 V.Seethalakshmi
239 J.Govindarajan
240 Jayalakshmi
241 J.Vijaya
242 M.Usharani
243 V.Meenakshi

... Petitioners

Vs.

- 1 The Tahsildar
Chengalpattu Taluk
Kancheepuram District.
- 2 The Revenue Inspector
Singaperumal Koil Sub Taluk
Chengalpattu Taluk
Kancheepuram District.
- 3 The Village Administrative Officer
No.61 Singaperumal Koil
No.62 Nenjiambakkam
No.63 Thirutheri
No.64 Parari
Chengalpet Taluk
Kancheepuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of respondents 2 and 3 in their impugned notice dated 23.12.2016 issued under sub Rule (3) of Rule 7 of the Tamil Nadu Land Encroachment Act 1905 and quash the same in respect of possession and enjoyment of the petitioners in Survey No. 109/B situated at No. 63, Thirutheri Village, within the limits of Singaperumalkoil Sub Taluk, Chengalpattu Taluk, Kancheepuram District, and consequently direct the first respondent to consider the issuance of patta to the petitioner based on their possession and enjoyment of 3 cents of land in survey No.109/B situated at No. 63, Thirutheri Village within the limits of Singaperumalkoil Sub Taluk, Chengalpattu Taluk, Kancheepuram District.

For Petitioners

: Mr.L.Chandrakumar

For Respondents

: Mr.R.Vijayakumar
Addl. Government Pleader

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 this writ petition seeking issuance of a writ of certiorarified mandamus calling for the records of respondents 2 and 3 in their impugned notice dated 23.12.2016 issued under Sub-section (3) of Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and quash the same in respect of possession and enjoyment of the petitioners herein, and consequently direct the first respondent to consider the issuance of pattas to each the petitioners based on their possession and enjoyment of 3 cents of land in various villages in Chengalpattu Taluk, Kancheepuram District.

4. The petitioners are landless poor persons and are living in the lands in question for over 40 years, having put up their own superstructures and they have obtained ration cards, electricity service connection, water supply connection, etc. It is claimed that Singaperumal Koil Panchayat has granted No Objection to transfer the above land into patta land and a resolution has also been passed to that effect. It is further pleaded that the government vide G.O.Ms.No.854, Revenue Department, dated 30.12.2006 provided 3 Cents of land for house site and pattas to the persons who are all in possession and residing in the government lands for more than ten years and in terms of the said government order, the petitioners are eligible to get free house site pattas and their claim in this regard is under consideration by the authorities. While things stood thus, it is alleged that respondents 2 and 3 issued notice dated 23.12.2016 under Section 7 of the said Act calling upon the petitioners to show cause as to why they should not be evicted. The petitioners have also submitted their objections to the same. It is alleged that the respondent authorities without following the procedure contemplated under the said Act are threatening to evict the petitioners from the said lands and in such circumstances, they have filed this writ petition for the relief stated supra.

5. The proceedings under challenge in this writ petition are show cause notices issued under Section 7 of the said Act. Admittedly, in response to the said notices, the petitioners have submitted their objections and the same is pending consideration. The anxiety expressed by the petitioners is that

without proper recourse to the procedure contemplated under the said Act the authorities are likely to evict the petitioners.

6. As per the provisions of the said Act, the respondent authorities, after consideration of the objections submitted by the petitioners, have to pass an order under Section 6 of the said Act. Even against the said order, the petitioners have a right to appeal under Section 10 of the said Act before the District Collector. The petitioners are, therefore, entitled to get the procedural safeguards contemplated under the said Act. That being the legal position, the respondent authorities are not supposed to take any coercive action against the petitioners without following the due process of law.

7. In such circumstances, we direct the respondent authorities to strictly adhere to the procedure contemplated under law and till the conclusion of the proceedings, no coercive action shall be taken against the petitioners.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.6271 of 2017 is closed.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

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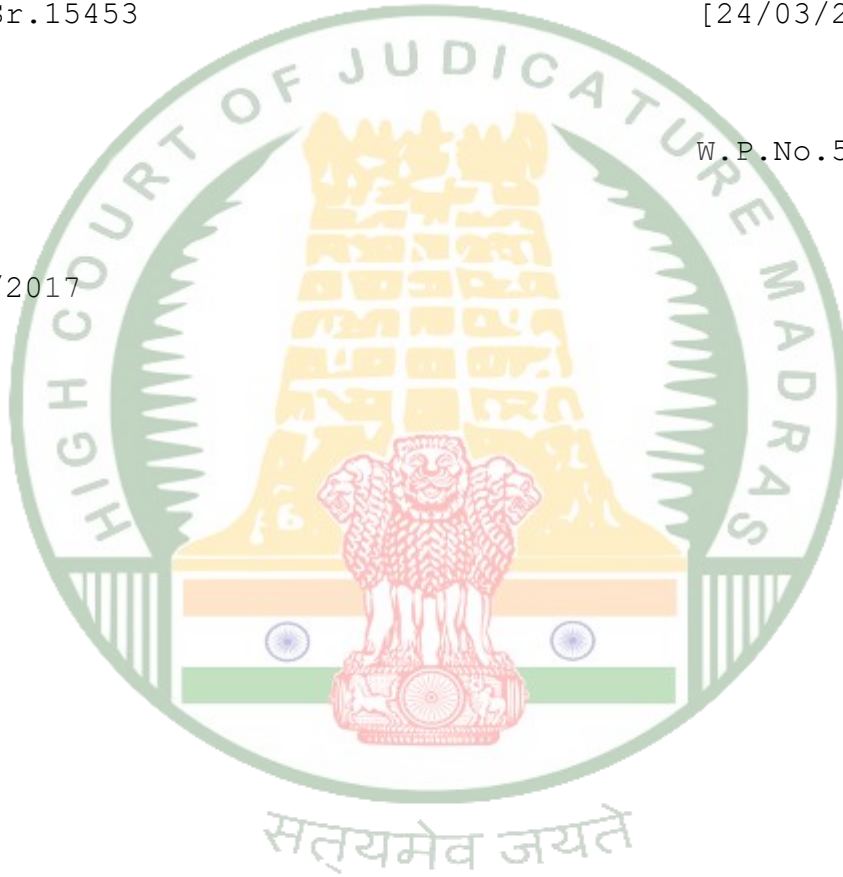
- 1 The Tahsildar,
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Chengalpattu Taluk,
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3 The Village Administrative Officer,
No.61 Singaperumal Koil,
No.62 Nenjiambakkam,
No.63 Thirutheri,
No.64 Parari,
Chengalpet Taluk,
Kancheepuram District.

+lcc to the Government Pleader Sr.15254
+lcc to the M/S.M.R.Jothimanian & C.Muruganandam,
Advocate Sr.15453 [24/03/2017]

W.P.No.5860 of 2017

ks[co]
srg 17/03/2017



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