

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2017

CORAM :

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

W.P. No.13856 of 2015
and
M.P.Nos.1 and 2 of 2015

V.Syed Ali Fathima

... Petitioner

-Vs-

1. The State of Tamil Nadu,
rep. by its Secretary to Govt.,
Revenue Department,
Fort St. George, Chennai 600 009.
2. The District Collector,
Office of the District Collector,
Thiruvallur District.
3. The Tahsildar,
Maduravoyal Taluk,
Maduravoyal, Chennai 600 077.
4. The Revenue Inspector,
Porur Firka, Maduravoyal Taluk,
Maduravoyal, Chennai 600 077.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records pertaining to proceeding under notice dated 21.04.2015 issued by the 4th respondent and to quash the same.

For Petitioner : Mr.N.G.R.Prasad

For Respondents : Mr.T.N.Rajagopalan
Special Government Pleader
for RR 1 to 4

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The stand of the petitioner as set out in the order issuing notice dated 30.04.2015 is culled out as under:

''3. According to the petitioner she is the exclusive owner of the property in question which is comprised in Survey No: 212/1A and 1B situate at Nerkundram Village and she has been in possession and enjoyment of the property ever since the date of purchase. According to her, on the pretext of taking possession of the land in Survey No: 213, the revenue authorities served a notice on her alleging that she has encroached upon the land in Survey No: 213 and directed her to vacate the land. According to the learned counsel for the petitioner, the petitioner has stated in the sworn affidavit that notice in respect of Survey No: 213 was served on her and submitted that the revenue authorities may, in the pretext of evicting persons in occupation of Survey No: 213, may evict this petitioner also.

4. Considering the said submissions and having regard to the fact that notice of eviction had been served in respect of Survey No: 213 only and that this petitioner does not claim any right over the property situated in Survey No: 213, the respondents are hereby directed not to dispossess this petitioner, who claims to be the owner of the land in Survey No: 212/1A & 1B for a period of eight weeks.''

2. The aforesaid, thus, leaves no manner of doubt that while the notice is in respect of Survey No. 213, the petitioner does not claim any right over the same and yet has been served with the notice though she claimed only in respect of S.No. 212/1A and 1B. It is, in these circumstances, that the interim order was also granted.

3. No counter-affidavit has been filed despite the lapse of more than 1 ½ years.

4. We, thus, dispose of the writ petition with the direction that the property of the petitioner in S.No. 212/1A and 1B should not be touched unless there is any violation for which notice will have to be served on the petitioner in respect of the said survey number. No costs. Consequently, M.P.Nos. 1 and 2 of 2015 stand closed.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

sra

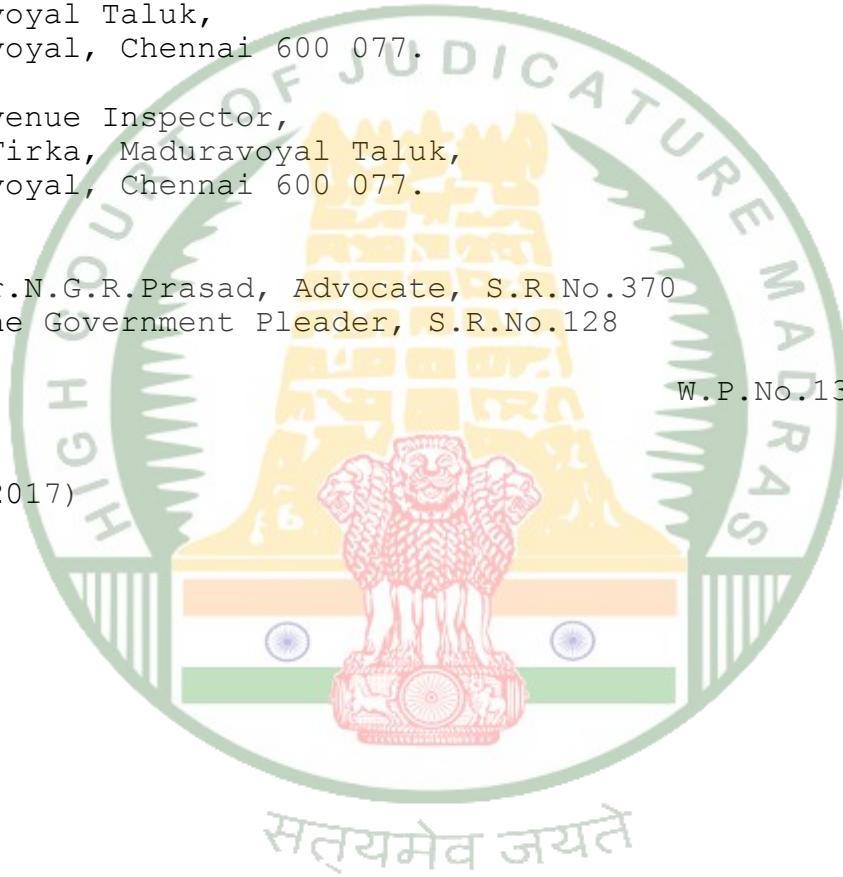
To

1. The Secretary to Govt. of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai 600 009.
2. The District Collector,
Office of the District Collector,
Thiruvallur District.
3. The Tahsildar,
Maduravoyal Taluk,
Maduravoyal, Chennai 600 077.
4. The Revenue Inspector,
Porur Firka, Maduravoyal Taluk,
Maduravoyal, Chennai 600 077.

+1cc to Mr.N.G.R.Prasad, Advocate, S.R.No.370
+1cc to the Government Pleader, S.R.No.128

W.P.No.13856 of 2015

GJ II(CO)
CA(10/01/2017)



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