

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2017

CORAM

The Hon'ble Mr.JUSTICE R.MAHADEVAN
and
The Hon'ble Mr.JUSTICE M.GOVINDARAJ

W.P.Nos.12987 to 12989 of 2017
and W.M.P.Nos.13854 to 13860 of 2017

D.Dhanavel .. Petitioner in
W.P.No.12987 of 2017

S.R.Govindasamy ... Petitioner in
W.P.No.12988 of 2017

Ramadev @ K.Daruram ... Petitioner in
W.P.No.12989 of 2017

Vs

1. The District Collector,
Vellore District.
 2. The District Revenue Officer,
Vellore District.
 3. The Revenue Divisional Officer,
Ranipet, Vellore District.
 4. The Tahsildar,
Walajapet Taluk,
Vellore District.
- Respondents in
all WPs.

Petitions under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records pertaining to the notice dated 24.04.2017 issued under Section 7 of the Tamil Nadu Encroachment Act and consequent notice dated 10.05.2017 under Section 6 of the Tamilnadu Encroachment Act issued by the fourth respondent and consequently forbearing the respondents from disturbing the petitioner's possession of the property comprised in T.S.No.113 and 116, in Ward No.13, Block No.6, measuring about 1748 sq. ft. situated at Door No.35A/2, M.P.T.Road, Ranipet, Vellore District respectively.

For Petitioners : Mr.A.Nagarathinam

For Respondents : Mr.M.K.Subramanian
Government Pleader

C O M M O N O R D E R

[Order of the Court was made by R.Mahadevan, J.]

These writ petitions have been filed by the petitioners seeking to quash the notices issued under Section 7 and Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and to forbear the respondents from disturbing the petitioners possession of the property comprised of T.S.No.113 and 116 in Ward No.13, Block No.6 measuring about 1748 square feet situated at Door No.35A/2, M.P.T.Road, Ranipet, Vellore District.

2. It is the case of the petitioners that they are in possession and enjoyment of the property, comprised of T.S.No.113 and 116, Old S.No.159/Part in Ward No.13, Block No.6, situated at Door No.35A/2, M.P.T. Road, Ranipet, Vellore District and are paying property tax etc. The said property was under the category of Minor Inam and subsequently, converted into Natham poramboke in the Revised Settlement Register on 15.09.1973 and patta bearing No.16 was issued in favour of Haheem Abdulram Sayabu and the said property was not subjected to alienation to anybody. Haheem Abdulram Sayabu neither executed any document in favour of Navalpur Jamiya Masjit nor any other person, died intestate leaving behind no legal heirs. The said property situated at No.35A/2, M.P.T. Road, Ranipet had been originally occupied by one Kalyani and after her life time, the petitioners are in possession and enjoyment of the same.

3. According to the petitioner, the Muthavalli of Navalpur Jamiya Masjit, with the help of Municipal officials has illegally changed the name of the ownership of the said property, in the name of Navalpur Jamiya Masjit. The Muthavalli has also filed civil suits [O.S.No.57 of 2013 and 265 of 1998] before the District Munsif Court, Ranipet and Sub Court, Vellore, respectively, for eviction and the same are pending. The petitioners have also sent representation to the respondents seeking patta in respect of the said property.

4. By order, dated 15.11.2015, the Tahsildar, Walaja declined the request of the petitioners. Challenging the same, the petitioners have filed appeal before the third respondent and the same was also rejected, vide order dated 26.12.2016. As against the rejection order, the petitioners have preferred revision before the second respondent and the same is pending.

5. While being so, the fourth respondent issued Section 7 notice, for which, the petitioners have submitted their explanation. The fourth respondent without considering the explanation, has issued Section 6 notice, calling upon the petitioners to remove the encroachment within a period of seven days. Hence, the petitioners have filed these writ petitions seeking the relief stated supra.

6. As against the impugned order dated 10.05.2017 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, an appeal lies under Section 10 of the said Act. Admittedly, the petitioners have not filed any appeal before the Appellate Authority.

7. In such circumstances, we direct the petitioners to file an appeal before the Appellate Authority within a period of three weeks from the date of receipt of a copy of this order and on receipt of such appeal, the Appellate Authority is directed to dispose of the same as expeditiously as possible.

8. With the above direction, these writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gya

To

1. The District Collector,
Vellore District.
2. The District Revenue Officer,
Vellore District.
3. The Revenue Divisional Officer,
Ranipet, Vellore District.

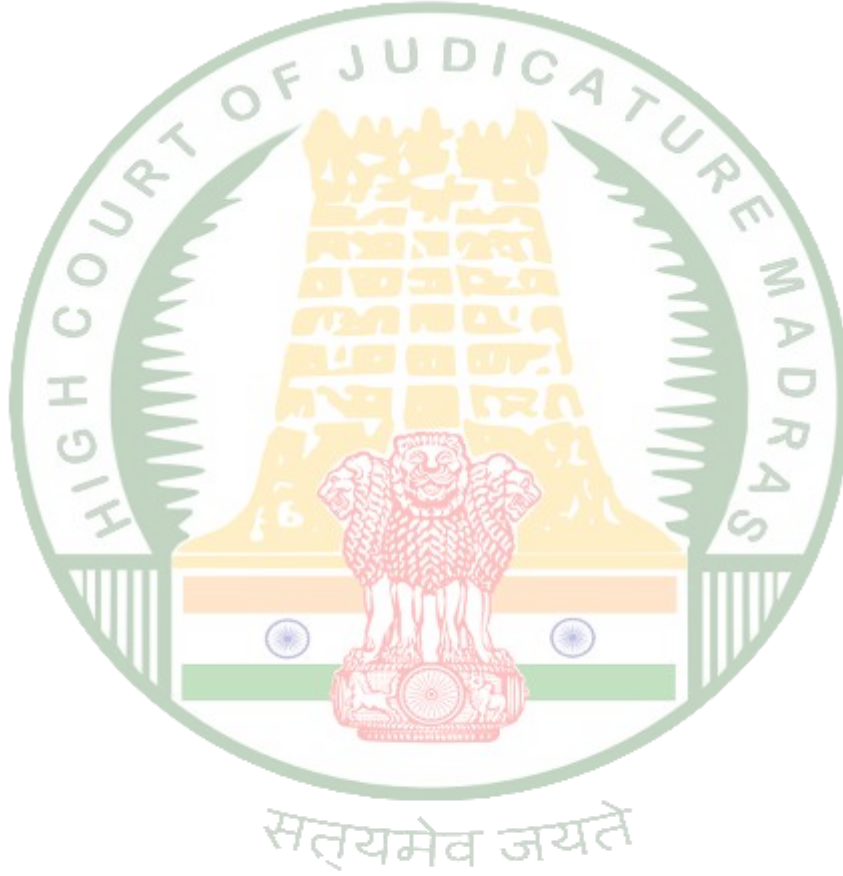
4. The Tahsildar,
Walajapet Taluk,
Vellore District.

+3cc to M/S.A. Nagarathinam, Advocate Sr. 37556,37557,37558

+1cc to the Government Pleader, Sr. 37694

W.P.Nos.12987 to 12989 of 2017

VR(18/5/2017)



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