

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2017

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
AND

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

W.P. Nos. 13089 to 13098 of 2017

&

W.M.P. Nos. 13975 to 13990 of 2017

R.K. Agarwal ..Petitioner in W.P.No. 13089 of 2017

Rajesh Kumar ..Petitioner in W.P. No. 13090 of 2017

M. Josephine Rani ..Petitioner in W.P. No. 13091 of 2017

Indira Devi ..Petitioner in W.P. No. 13092 of 2017

Mrs. Vijayalakshmi ..Petitioner in W.P. No. 13093 of 2017

S. Baskeran ..Petitioner in W.P. No. 13094 of 2017

S.P. Muthuramalingam ..Petitioner in W.P. No. 13095 of 2017

M. Thanigaivasan ..Petitioner in W.P.No. 13096 of 2017

R. Prabhu ..Petitioner in W.P. No. 13097 of 2017

M. Soosaithani Nayagam ..Petitioner in W.P. No. 13098 of 2017

Vs.

1. The District Collector,
Office of the District Collector,
Thiruvallur District,
Thiruvallur.
2. The Tahsildhar,
Thiruvottiyur Taluk Office,
Thiruvallur District.
3. The Revenue Inspector,
Manali Revenue Firka,
Thiruvottiyur Taluk Office,
Thiruvallur District.

..Respondents in all the
writ petitions

Prayer: Petitions under Article 226 of the Constitution of India praying for issue of a Writ of Certiorari to call for the records relating to the impugned notices issued under Section 7 (2) of Land Encroachment Act 3 of 1905 by the 3rd respondent in Na.Ka.No.179/2017/A1 dated 28.04.2017 and to quash the same.

For Petitioners :: Mr.M. Rajasekhar

For Respondents :: Mr.P.S. Sivashanmugasundaram
Special Government Pleader

COMMON ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

The challenge in these writ petitions is to the notices issued under Section 7(2) of the Land Encroachment Act, 1905, to the respective petitioners.

2. When the matters are taken up, learned counsel for the petitioners submitted that the respective petitioners have already submitted their explanation to respondents 1 and 2, pursuant to the impugned show-cause notices dated 28.04.2017, along with relevant documentary evidence, in support of their claim that the properties in question are not Government properties, but, private properties owned by them.

3. Heard the learned Special Government Pleader for the respondents.

4. Though a larger relief is sought, considering the fact that the explanation of the respective petitioners is pending consideration before respondents 1 and 2, without going into the merits of the case, the writ petitions are disposed of directing respondents 1 and 2 to consider the explanation of the respective petitioners dated 11.05.2017 and pass appropriate orders under Section 6 of the Land Encroachment Act, 1905, within a period of two weeks from the date of receipt of a copy of this order. However, till such time, the petitioners shall not be harassed to vacate the respective properties in their occupation. No costs. Connected W.M.Ps are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Office of the District Collector,
Thiruvallur District,
Thiruvallur.
2. The Tahsildhar,
Thiruvottiyur Taluk Office,
Thiruvallur District.
3. The Revenue Inspector,
Manali Revenue Firka,
Thiruvottiyur Taluk Office,
Thiruvallur District.

+1cc to Mr.M.Rajasekhar, Advocate Sr.37572

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srg 18/05/2017