

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2017

CORAM :

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

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.Nos.3318 to 3320 of 2017

and

W.M.P.Nos.3285 to 3287 of 2017

L.Ranjitham ... Petitioner in WP.3318/2017
V.Dhanapal ... Petitioner in WP.3319/2017
J.Chidambaram ... Petitioner in WP.3320/2017

-Vs-

1. The Commissioner,
Chennai City Municipal Corporation,
Ripon Building, Chennai 600 003.
2. The District Collector,
NH 205, India, Thiruvallur,
Tamil Nadu 602 001.
3. The Revenue Divisional Officer,
Ambattur, Chennai 600 053.
4. The Tahsildar,
Ambattur Taluk,
Chennai 600 053.
5. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam High Road,
Chennai 600 034. ... Respondents in all Wps

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents not to demolish the property at No.20, Padavattamman Kovil Fourth street, Padi, Chennai 600 050 (WP.3318/2017); No.19, TVS Nagar Main Road, Padi Chennai-50 (WP.3319/2017); and Survey No.46, No.21/12 Padavattamman Koil Fourth Street, Padi, Chennai-50 (WP.3320/2017), and consequently direct the respondents to conduct an enquiry pursuant to petitioners'

representation dated 03.02.2017 and in line with the guidelines framed in Vide G.O. (Ms.) No.540, Revenue (LD 6 (2)) dated 04.12.2014.

For Petitioners : Mr.S.S.Rajesh

For Respondents : Mr.R.Arunmozhi for R-1
: Mr.M.K.Subramanian
Government Pleader
for RR 2 to 4
: Mr.M.Maharaja
Special Government Pleader
For R-5

O R D E R

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

Learned Government Pleader has produced before us the site plan of the area showing the water canal and the encroachments removed. It is stated that though the petitioners have patta land, they have also encroached on water canal, for which initially notices were issued under Section 7 of the Land Encroachment Act, 1905, dated 12.01.2017 and since the petitioners refused to receive the same, they were pasted, followed with the notices dated 30.01.2017 under Section 6 of the said Act, which again had to be pasted.

2.On the other hand, learned counsel for the petitioners states that they have not received any notices and thus, they had no opportunity to put forth their case.

3.In order to avoid further controversy on the issue of receipt of notices, copies of Section 7 and Section 6 notices have been handed over to the learned counsel for the petitioners. The petitioners may file their reply to Section 7 notices within two (2) weeks from today and on consideration of the reply, it would be decided whether notices under Section 6 should be issued or not. The notices issued under Section 6 of the said Act dated 30.01.2017 are, thus, quashed.

4.Writ petition is, accordingly, disposed of. No costs. Consequently, W.M.P.Nos.3285 to 3287 of 2017 are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Commissioner,
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Ripon Building, Chennai 600 003.
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5. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam High Road,
Chennai 600 034.

+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.8702
+1cc to the Government Pleader, S.R.No.9029

W.P.Nos.3318 to 3320 of 2017

UG(CO)
CA(21/02/2017)

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