

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.3371 to 3379 of 2017

and

W.M.P.Nos.3359 to 3367 of 2017

M.Susaimanickam	...	Petitioner in WP.3371/2017
N.Sathurvedhan	...	Petitioner in WP.3372/2017
M.Mani	...	Petitioner in WP.3373/2017
P.Duraisingam	...	Petitioner in WP.3374/2017
D.Ravi	...	Petitioner in WP.3375/2017
M.Kumaran	...	Petitioner in WP.3376/2017
S.Arockiadass	...	Petitioner in WP.3377/2017
K.Prabavathy	...	Petitioner in WP.3378/2017
V.Somasundaram	...	Petitioner in WP.3379/2017

-Vs-

1. The District Collector,
Thiruvallur District.
 2. The Revenue Divisional Officer,
Ambattur.
 3. The District Revenue Officer,
Thiruvallur District.
 4. The Tahsildar,
Ambattur Taluk, Chennai.
 5. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.
- Respondents in all W.Ps

Common Petition : 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 the petitioners' superstructure in Door Number No.17/17 Padavattamman Koil Street, 2nd Cross Street, Padi, Chennai 600 050 (WP.3371/2017); Door Number No.17/17B Padavattamman Koil Street, 2nd Cross Street, Padi, Chennai 600 050 (WP.3372/2017); Door Number

No.14/19 Padavattamman Koil Street, 4th Cross Street, Padi, Chennai 600 050 (WP.3373/2017); Door Number No.33/B Padavattamman Koil Street, 2nd Cross Street, Padi, Chennai 600 050 (WP.3374/2017); Door Number No.19/2 8th Street, T.V.S. Nagar, Padi, Chennai 600 050 (WP.3375/2017); Door Number No.33/40 Padavattamman Koil Street, 2nd Cross Street, Padi, Chennai 600 050 (WP.3376/2017); Door Number No.17/A Padavattamman Koil Street, 2nd Cross Street, Padi, Chennai 600 050 (WP.3377/2017); Door Number No.15/19 T.V.S.Nagar Main Road, Padi, Chennai-600 050 (WP.3378/2017); Door Number No.17/17 Padavattam Koil Street, 2nd Cross Street, Padi, Chennai-600050 (WP.3379/2017) without following the procedure and guidelines.

For Petitioners : Mr.V.Raghavachari
for Mr.SK.Chandrakumar

For Respondents : Mr.M.K.Subramanian
Government Pleader
for RR 1 to 4

: Mr.R.Arunmozhi for R-5

COMMON ORDER

(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(CCC)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The District Collector,
Thiruvallur District.
- 2.The Revenue Divisional Officer,
Ambattur.
- 3.The District Revenue Officer,
Thiruvallur District.
- 4.The Tahsildar,
Ambattur Taluk,
Chennai.
- 5.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.

+2cc's to Mr.SK.Chandrakumar, Advocate, S.R.No.9098
+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.8700
+1cc to the Government Pleader, S.R.No.9030

W.P.Nos.3371 to 3379 of 2017

MG(CO)
CA(20/02/2017)

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