

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2017

CORAM

THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.14107 of 2017
and
W.M.P.Nos.15313 to 15315 of 2017

1. Malaisamy
2. Ganthimathi
3. Ponraj
4. Sindhujhadevi .. Petitioners

Vs.

1 The District Collector,
O/o the District Collector,
Kancheepuram District.

2 The District Revenue Officer,
O/o the District Revenue Officer,
Kancheepuram District.

3 The Tahsildar,
O/o the Tahsildar,
Chengalpet Taluk,
Kancheepuram District.

4 The Revenue Inspector,
O/o the Revenue Inspector,
Chengalpet Taluk,
Kancheepuram District. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order in Ref.No.Na.Ka.9648/2016/Aa1 dated 05.01.2017 passed by the 1st respondent and quash the same and consequently direct the respondents either to re-classify the above land in S.Nos.164C, 165B/3 and 165/C or to provide alternative site to the petitioners' land in Rathinamangalam village so as to enable the petitioner to lead the normal life, on the basis of the petitioners representation dated 12.05.2017 within a stipulated time as may be fixed by this Hon'ble

Court.

For Petitioners : Mr.T.Acrockia Dass
for M/s.Dass & Viswa
Associates

For Respondents : Mrs.Vasudha Thiagarajan
Addl. Government Pleader

ORDER

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

On our query, it is conceded that the area in question in respect of which notices were issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and then under Section 6 of the said Act and the appeals filed by the petitioners were dismissed on 05.01.2017, is categorized in the revenue records as water area.

2. In view of the Full Bench judgment of this Court in T.K.Shanmugam v. The State of Tamil Nadu, 2015 WLR 1029, neither can the revenue entries be changed nor the petitioners can have a right to continue to occupy water areas.

3. In view thereof, no infirmity can be found with the impugned order.

4. The writ petition is dismissed. No costs. Consequently, W.M.P.Nos.15313 to 15315 of 2017 are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

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To:

1.The District Collector,
Kancheepuram District.

2.The District Revenue Officer,
Kancheepuram District.

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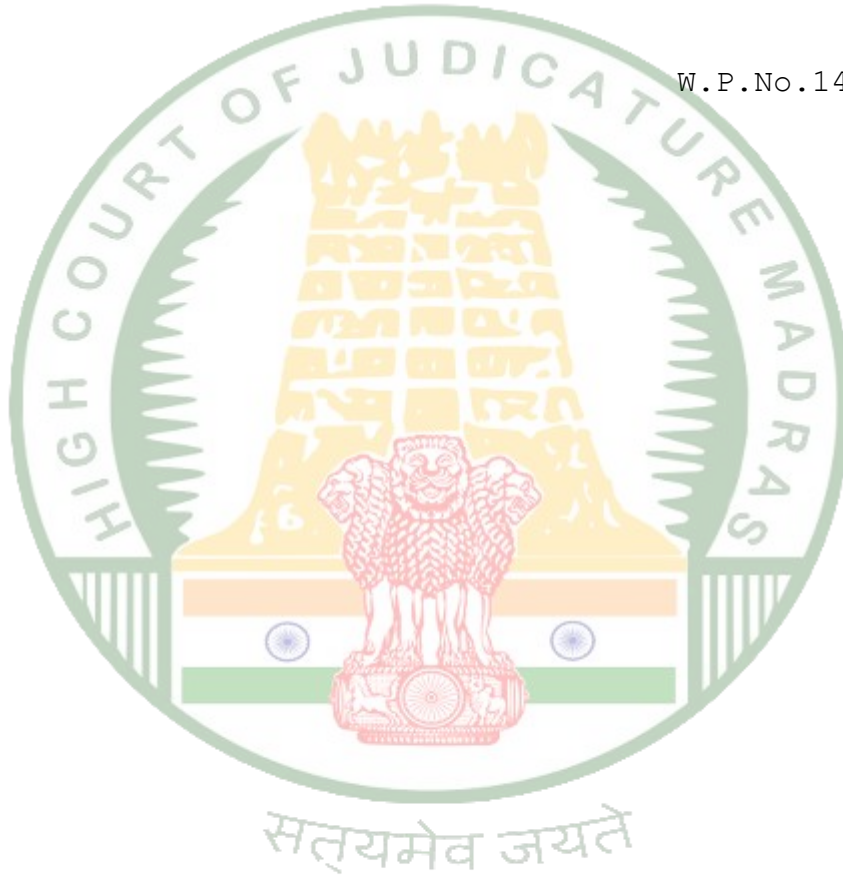
3.The Tahsildar,
Chengalpet Taluk,
Kancheepuram District.

4.The Revenue Inspector,
Chengalpet Taluk,
Kancheepuram District.

+1 CC to Govt. Pleader sr 41428

W.P.No.14107 of 2017

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