

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2017

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.Nos.1529, 1540, 1552 and 1554 of 2017

R.Malaichamy ... Petitioner in WP.1529/2017
Annapoorani ... Petitioner in WP.1540/2017
Anuradha ... Petitioner in WP.1552/2017
Sasikala ... Petitioner in WP.1554/2017

Vs.

1. The District Collector
Chengalpattu,
Kancheepuram District.
 2. The Tahsildar
Chengalpattu Taluk
Kancheepuram District.
 3. The Revenue Inspector
Vandalur Sub Division
Chengalpattu
Kancheepuram District.
- ... Respondents in all Writ
Petitions

PRAYER in W.P.No.1529 of 2017: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari calling for the records pertaining to the Order of the 1st respondent in Na.Ka.No.9648/ 2016/Aa1, dated 05.01.2017 confirming the Notice of the 2nd Respondent dated 09.12.2016 under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and the Notice of the 3rd Respondent dated 24.11.2016 under Section 7 of the Tamil Nadu Land Encroachment Act 1905 insofar as the land and house situated at No.11, V.O.C. 2nd Street, Thiruvalluvar Nagar in S.No.164C, Rathinamangalam Village, Chengalpattu Taluk, Kancheepuram District admeasuring 3 Cents is concerned and quash the same.

PRAYER in W.P.No.1540 of 2017: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari calling for the records pertaining to the order of the 1st respondent in Na.Ka.No.9648/2016/Aa1, dated 5.1.2017 confirming the Notice of the 2nd respondent dated 9.12.2016 under section 6 of the Tamil Nadu Land Encroachment Act, 1905 and the Notice of the 3rd respondent dated 24.11.2016 under section 7 of the Tamil Nadu Land Encroachment Act 1905 in so far as the land and house situated at No.2, V.O.C. 2nd Street, Thiruvalluvar Nagar, in S.No.164 C, Rathinamangalam Village, Chengalpattu Taluk, Kancheepuram District admeasuring 5 cents is concerned and quash the same.

PRAYER in W.P.No.1552 of 2017: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari calling for the records pertaining to the order of the 1st respondent in Na.Ka.No.9648/2016/Aa1, dated 5.1.2017 confirming the Notice of the 2nd respondent dated 9.12.2016 under section 6 of the Tamil Nadu Land Encroachment Act, 1905 and the Notice of the 3rd respondent dated 24.11.2016 under section 7 of the Tamil Nadu Land Encroachment Act 1905 in so far as the land and house situated at No.5, V.O.C. 1st Street, Thiruvalluvar Nagar, in S.No.164 C, Rathinamangalam Village, Chengalpattu Taluk, Kancheepuram District admeasuring 3 cents is concerned and quash the same.

PRAYER in W.P.No.1554 of 2017: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari calling for the records pertaining to the order of the 1st respondent in Na.Ka.No.9648/2016/Aa1, dated 5.1.2017 confirming the Notice of the 2nd respondent dated 9.12.2016 under section 6 of the Tamil Nadu Land Encroachment Act, 1905 and the Notice of the 3rd respondent dated 24.11.2016 under section 7 of the Tamil Nadu Land Encroachment Act 1905 in so far as the land and house situated at No..., V.O.C. 1st Street, Thiruvalluvar Nagar, in S.No.164 C, Rathinamangalam Village, Chengalpattu Taluk, Kancheepuram District admeasuring 3 cents is concerned and quash the same.

For Petitioners : Mr.C.K.M.Appaji

For Respondents : Mr.R.Vijayakumar
Additional 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 5.1.2017, 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 orders.

These writ petitions are dismissed. No costs. Consequently, W.M.P.Nos.1437, 1456, 1441, 1442, 1465, 1466, 1467 and 1468 of 2017 are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The District Collector
Chengalpattu,
Kancheepuram District.
- 2.The Tahsildar
Chengalpattu Taluk
Kancheepuram District.
- 3.The Revenue Inspector
Vandalur Sub Division
Chengalpattu
Kancheepuram District.

+1cc to Mr.CKM.Appaji, Advocate, S.R.Nos.4271 to 4274
+1cc to the Government Pleader, S.R.No.4075

W.P.Nos.1529, 1540, 1552 and
1554 of 2017

RSY(CO)
CA(30/01/2017)