

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2017

CORAM

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

W.P.Nos.1586 of 2017
and
W.M.P.Nos.1550 & 1551 of 2017

K.Ganesan

... Petitioner

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

PRAYER : 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.9, Mettu Street, Thiruvalluvar Nagar, in S.No.165B/3, Rathinamangalam Village, Chengalpattu Taluk, Kancheepuram District admeasuring 1½ Cent is concerned and quash the same.

For Petitioner

: 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 appeal filed by the petitioner was 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 petitioner 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.1550 & 1551 of 2017 are closed.

Sd/-

Assistant Registrar(CS VI)

//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 the Government Pleader, S.R.No.4290

W.P.No.1586 of 2017

RSY(CO)
CA(31/01/2017)