

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.17085/2017 & WMP.Nos.18568 & 18569/2017

K.Senkottuvel .. Petitioner

Vs

1.The Secretary to Government
Revenue Department
Fort St George, Chennai 600 009.

2.The Chief Secretary & Commissioner
of Land Administration, Ezhilagam
Chepauk, Chennai 600 005.

3.The District Collector
O/o.the District Collector
Salem District.

4.The District Revenue Officer
O/o.The District Revenue Officer
Salem District.

5.The Revenue Divisional Officer
O/o.The Revenue Divisional Officer
Attur, Salem.

6.The Tahsildar
O/o.The Tahsildar
Attur Taluk, Attur, Salem.

7.The Revenue Inspector,
O/o.The Revenue Inspector,
Attur.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorari calling for the records of the 7th respondent in show cause notice dated 01.09.2016 and quash the same.

For Petitioner : Ms.A.Madhumathi

For Respondents : Mr.C.Jagadish, Spl.GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.C.Jagadish, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 7.

2 The petitioner claims that he owns 0.74.5 Hectares of land in Survey No.77/4 and 1.10.0 Ares of land in Survey No.77/5 in Thulukaanoor Village and the said lands are patta lands. The petitioner would further claim that he has also put up a construction in the land comprised in S.No.77/6, admeasuring to an extent of 0.18.5 hectares, which is in his possession and enjoyment for more than 40 years and that the said land is being used for raising tapioca and also for other uses and it is also classified as "Passage Poramboke". The grievance

expressed by the petitioner is that he made a request for assignment of land and however, without his knowledge, a fake Government Order came to be issued and that is also the subject matter of investigation. The fact remains that he is in possession and enjoyment of the same lands. It is further stated by the petitioner that to the shock and surprise, the 6th respondent has issued notice under section 7 of the Tamil Nadu Land Encroachment Act, 1905, in respect of the lands situate in S.No.77/6, admeasuring to an extent of 0.66.5 areas and classifying them as Pathway and "Ottanparai Kuttai" [water body]. The petitioner, on receipt of the said notice, has submitted his detailed reply / response dated 12.09.2016 to the 7th respondent.

3 The learned counsel for the petitioner would submit that the respondents 6 and 7 without recourse to law, are attempting to interfere with his possession and enjoyment of the said lands in question and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

4 *Per contra*, Mr.C.Jagadish, learned Special Government Pleader appearing for the respondents 1 to 7 would submit that the representation submitted by the petitioner in response to the

impugned notice, will be considered and disposed of in accordance with law.

5 This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation / response or in this writ petition, directs the 6th respondent to consider and dispose of the petitioner's representation dated 12.09.2016 on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and till then, shall defer further decision in pursuant to the impugned notice. It is also made clear that till the disposal of the representation by the 6th respondent, the petitioner shall not create any third party rights in respect of the lands in question.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

[M.S.N., J.,] [N.S.S., J]
06.07.2017

Index : No
Internet : Yes
AP

To

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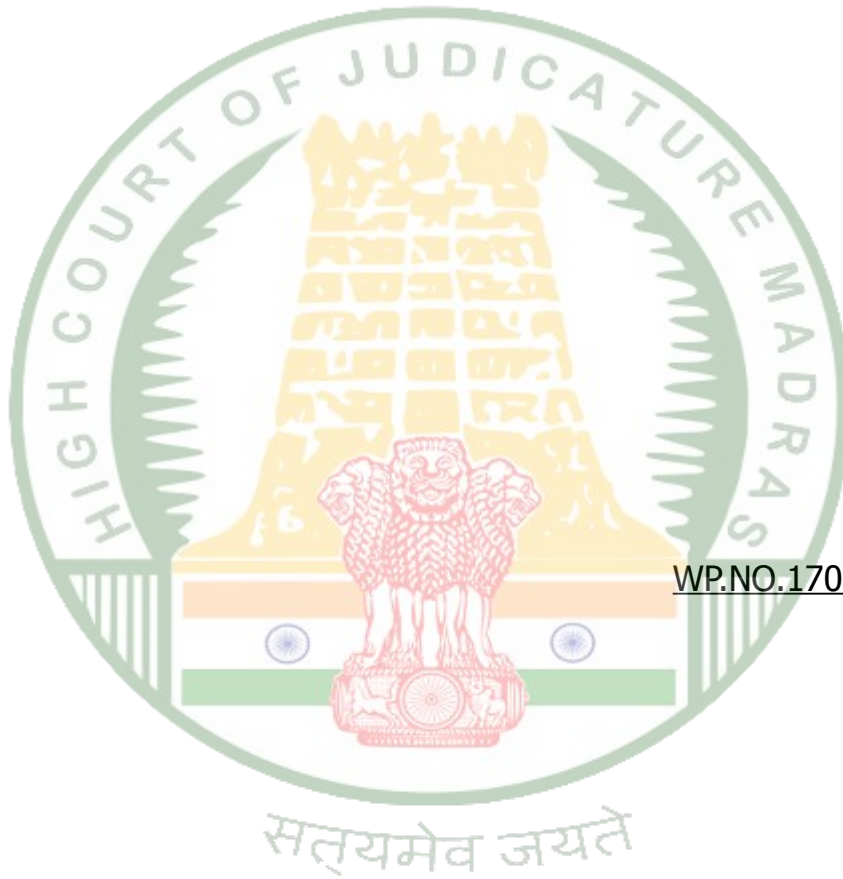
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M.SATHYANARAYANAN, J.,

AND

N.SESHASAYEE, J.,

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