

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.2775 of 2017
and
W.M.P.Nos.2706 and 2707 of 2017

P.Anbu

... Petitioner

-Vs-

1. The Government of Tamil Nadu,
Rep. By its Secretary,
Revenue Department,
Fort St. George, Chennai 600 009.
2. The District Collector,
Chenglepet, Kancheepuram District.
3. The Tahsildar,
Chenglepet Taluk,
Kancheepuram District.
4. The Revenue Inspector,
Vandalur Sub-Division,
Chenglepet, Kancheepuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records pertaining to the impugned order passed by the 2nd respondent vide Na.Ka. No.9648/2016/A1, dated 05.01.2017 in respect of the petitioner's house property situated in Survey No.164C, Rathinamangalam Village, Chenglepet Taluk, Kancheepuram District and quash the same.

For Petitioner : Mr.R.Singaravelan,
Senior Counsel
for Mr.G.Senthil Kumar

For Respondents : Mr.M.K.Subramanian,
Government Pleader

O R D E R

(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. At this stage, learned Senior Counsel for the petitioner prays for time till 30.04.2017 in order to enable the petitioner's children to complete their studies. Learned Government Pleader states that he will accordingly instruct the authorities to consider the request of the petitioner.

Writ petition is, accordingly, dismissed in the aforesaid terms. No costs. Consequently, W.M.P.Nos.2706 and 2707 of 2017 are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

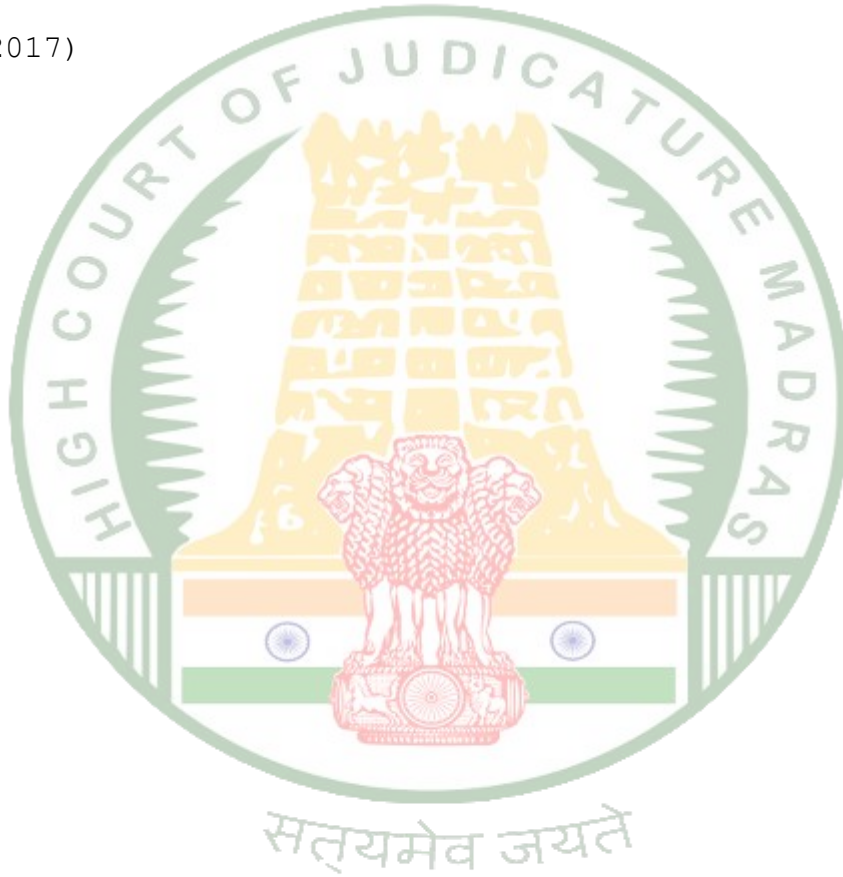
1. The Secretary to Govt. of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai 600 009.
2. The District Collector,
Chenglepet,
Kancheepuram District.
3. The Tahsildar,
Chenglepet Taluk,
Kancheepuram District.

4. The Revenue Inspector,
Vandalur Sub-Division,
Chenglepet,
Kancheepuram District.

+2cc's to Mr.G.Senthil Kumar, Advocate, S.R.No.7147
+1cc to the Government Pleader, S.R.No.7492

W.P.No.2775 of 2017

KGK(CO)
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