

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.18575 of 2017
and WMP.No.20123 of 2017

Pachaiyammal

.. Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tahsildar,
Cheyyur Taluk,
Kancheepuram District.
3. The Revenue Inspector,
Chittamoor Firka,
Cheyyur Taluk,
Kancheepuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus, calling for the records of the second respondent pursuant to the order dated 12.07.2017, quash the same and consequently direct the respondents to recognize the occupation and enjoyment of the petitioner's house site property situated at No.94/89, Mariyamman Koil Street, Vilankadu Village, Paniyur Post, Cheyyur Taluk, Kancheepuram District, comprising in S.No.120, of an extent of hectares 0.01.20 acres (acre 0.03 cents) as lawful one and issue patta to the petitioner.

For Petitioner : Mr.A.Ramalingam
For Respondents : Mr. A.N.Thamidurai
Special Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that she is hailing from a poor family and a resident of Vilankadu Village, Paniyur Post,

Cheyur Taluk, Kancheepuram District. She also put up a thatched house on a land admeasuring to an extent of 0.03 cents in Survey No.120 of the said village, and she has also been provided with electricity connection and paying statutory levies. The grievance expressed by the petitioner is that the second respondent has issued notice under Section 6 and 7 of the Tamil Nadu Land Encroachment Act , 1905. The rules framed therein in the said notice are per se in violation of the statutory provisions contained in the said Act and prays for an interim order.

3.Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents and on instructions, he would submit that pursuant to the directions issued in the matter of Public Interest Litigation in WP.No.14062 of 2012, action is being taken strictly in accordance with law and would further add that since the petitioner is having effective alternate remedy in the form of appeal under Section 10 of the said Act, this writ petition is not maintainable.

4. This Court has considered the rival submissions and also perused the materials.

5. Though the petitioner prays for a larger relief, in the light of the above facts and circumstances, this Court permits the petitioner to file an appeal remedy in the form of appeal to the first respondent under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, within a period of four weeks from the date of receipt of a copy of this order, and for filing appeal under Section 10(B) within a period of two weeks from the date of receipt of a copy of this order, and till such time the respondents 3 and 4 shall defer further action in pursuant to the notices under Sections 6 and 7 of the Act. The first respondent shall entertain the appeal if the papers are otherwise in order and can either take up the petition for stay under Section 10(B) of the said Act or the main appeal itself and give disposal in accordance with law within a further period of six weeks thereafter. Communicate the decision taken to the petitioner and to the third respondent or the delegated authorities.

6. The writ petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

ds

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Tahsildar,
Cheyyur Taluk,
Kancheepuram District.

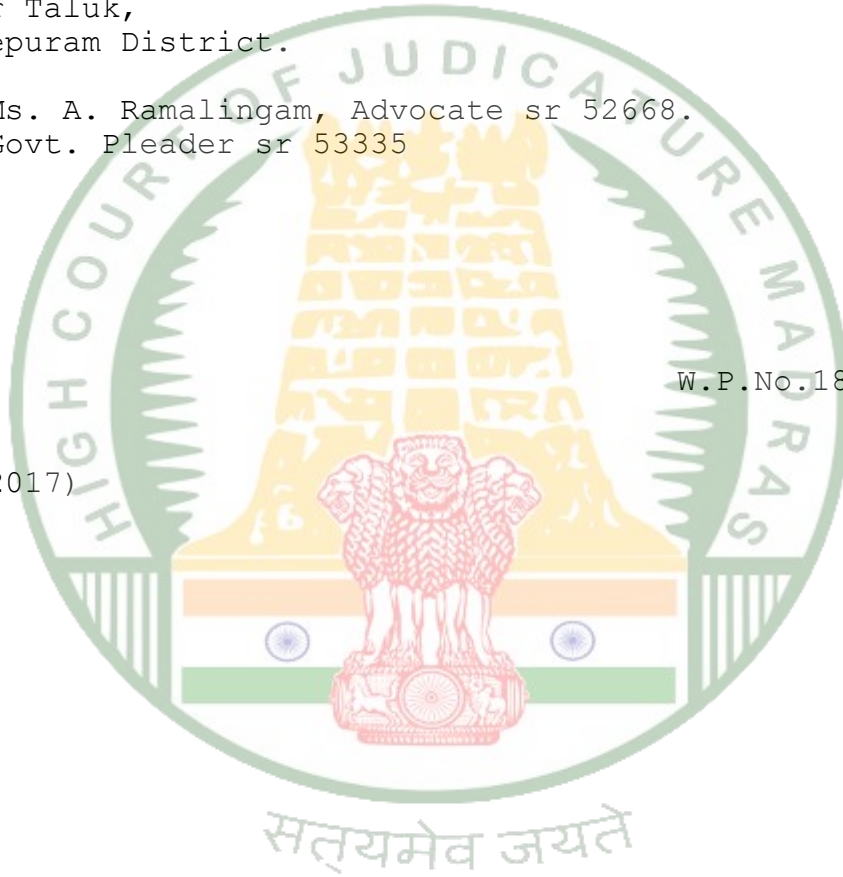
3. The Revenue Inspector,
Chittamoor Firka,
Cheyyur Taluk,
Kancheepuram District.

+1 CC to Ms. A. Ramalingam, Advocate sr 52668.

+1 CC to Govt. Pleader sr 53335

W.P.No.18575 of 2017

SS (CO)
sp(29/08/2017)



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