

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.2874 of 2017

and W.M.P.No.2781 of 2017

1.Chinnammal
2.E.Thirumurthy
3.E.Arul .. Petitioners

-vs-

1.The Commissioner,
Chennai City Municipal Corporation,
Ripon Building, Chennai 600 003.
2.The District Collector,
NH 205, India, Thiruvallur,
Tamil Nadu 602 001.
3.The Revenue Divisional Officer,
Ambattur.
4.The Tahsildar,
Ambattur Taluk. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents not to demolish the petitioner's superstructure in door numbers 34 and 34 B, U.R. Nagar, Padi, Ambattur Taluk, Thiruvellore District, without following the procedure and guidelines issued by the State Government in G.O. (Ms.) No.540, Revenue ((LD6(2)) Department dated 04.12.2014.

For Petitioners : Mr.V.Raghupathi
For Respondents : Mr.A.Nagarathinam for R-1
: Mr.T.N.Rajagopalan
Spl.G.P. For RR 2 to 4

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Learned Special Government Pleader has produced before us the site plan of the area showing the water canal and the encroachments removed. It is stated that though the petitioners have patta land, they have also encroached on water canal, for which initially notices were issued under Section 7 of the Land Encroachment Act, 1905, dated 12.01.2017 and since the petitioners refused to receive the same, they were pasted, followed with the notices dated 30.01.2017 under Section 6 of the said Act, which again had to be pasted.

2.On the other hand, learned counsel for the petitioners states that they have not received any notices and thus, they had no opportunity to put forth their case.

3.In order to avoid further controversy on the issue of receipt of notices, copies of Section 7 and Section 6 notices have been handed over to the learned counsel for the petitioners. The petitioners may file their reply to Section 7 notices within two (2) weeks from today and on consideration of the reply, it would be decided whether notices under Section 6 should be issued or not. The notices issued under Section 6 of the said Act dated 30.01.2017 are, thus, quashed.

4.Writ petition is, accordingly, disposed of. No costs. Consequently, W.M.P.No.2781 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Commissioner,
Chennai City Municipal Corporation,
Ripon Building, Chennai 600 003.
- 2.The District Collector,
NH 205, India, Thiruvallur,
Tamil Nadu 602 001.
- 3.The Revenue Divisional Officer,
Ambattur.

4.The Tahsildar, Ambattur Taluk.

+1cc to Mr.A. Nagarajan, Advocate, S.R.No.7584

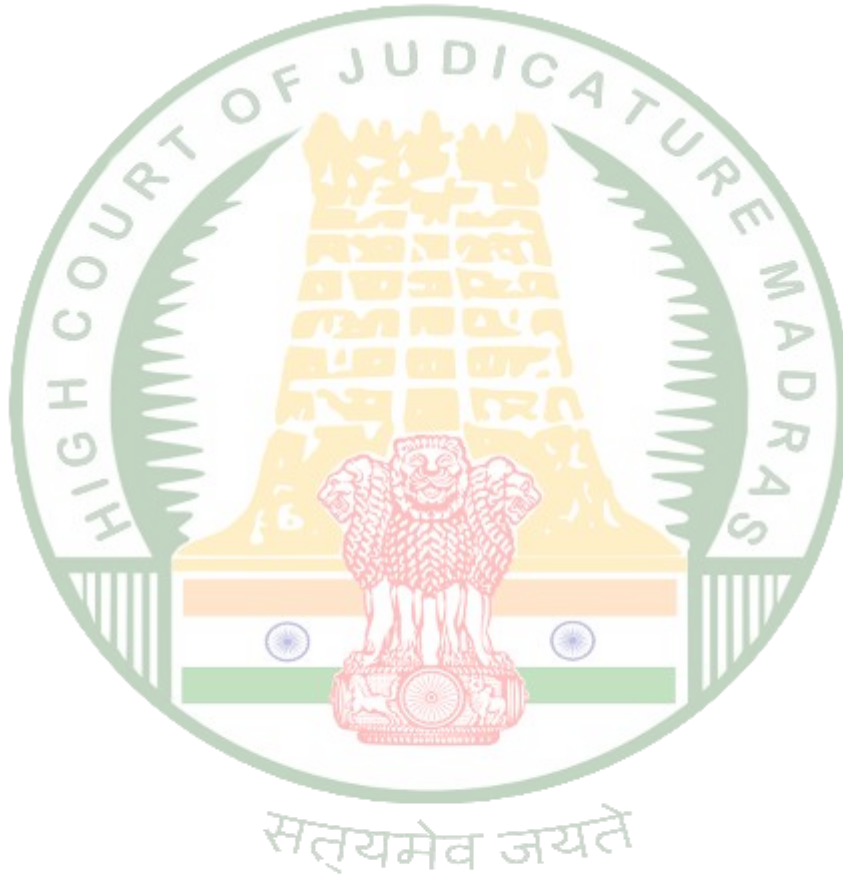
+1cc to Mr.Raghupattu, Advocate, S.R.No.7178

+1cc to the Government Pleader, S.R.No.7502

ug(CO)

md(08/02/2017)

W.P.No.2874 of 2017



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