



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P(MD)Nos.22819, 22820 & 22821 of 2015
and M.P(MD)Nos.1, 1 & 1 of 2015
and W.M.P(MD)Nos.1171, 1172 & 1173 of 2017

1.W.P(MD)No.22819 of 2015:-

Ponnuchamy

.. Petitioner

Vs.

1. The District Collector,
Trichy District, Trichy.
2. The Tahsildar,
Lalkudi Taluk,
Trichy District.
3. The Revenue Inspector,
Pallampadi Village Group,
Lalkudi Taluk,
Trichy District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records relating to the proceedings of the Eviction Notice dated 27.11.2015 on the file of the second respondent and quash the same.

2.W.P(MD)No.22820 of 2015:-

Subramani

.. Petitioner

Vs.

1. The District Collector,
Trichy District,
Trichy.
2. The Tahsildar,
Lalkudi Taluk,
Trichy District.



3. The Revenue Inspector,
Pallampadi Village Group,
Lalkudi Taluk,
Trichy District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records relating to the proceedings of the Eviction Notice dated 27.11.2015 on the file of the second respondent and quash the same.

3.W.P(MD)No.22821 of 2015:-

Malliga

.. Petitioner

Vs.

1. The District Collector,
Trichy District, Trichy.

2. The Tahsildar,
Lalkudi Taluk,
Trichy District.

3. The Revenue Inspector,
Pallampadi Village Group,
Lalkudi Taluk,
Trichy District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records relating to the proceedings of the Eviction Notice dated 27.11.2015 on the file of the second respondent and quash the same.

For Petitioner	: Mr.V.Kannan
(In all W.Ps')	
For Respondents	: Mr.M.Govindan,
(In all W.Ps')	Special Government Pleader.

COMMON ORDER

[Order of the Court was made by A.SELVAM, J.]

These Writ Petitions have been filed under Article 226 of the Constitution of India praying to call for records relating to the eviction notices dated 20.07.2015 issued under Section 6 of the Tamil Nadu Land Encroachments Act, 1905 and quash the same, by way of issuing a Writ of Certiorari.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The learned counsel appearing for the petitioners has



contended to the effect that the petitioners have been enjoying the properties mentioned in the impugned notices for more than 20 years and they are not having any alternative land so as to occupy and further the second respondent has issued impugned notices erroneously without following procedure. Under the said circumstances, these Writ Petitions have been filed for getting the relief sought therein.

3.The learned Special Government Pleader appearing for the respondents in all the petitions has also equally contended to the effect that before issuance of the concerned notices under Section 6 of the Tamil Nadu Land Encroachments Act, 1905, prior notices under Section 7 of the said Act have been issued to each and every petitioner and sufficient opportunities have been given and subsequently the impugned notices have been issued under Section 6 of the Tamil Nadu Land Encroachments Act, 1905 and there is no illegality in issuing the same and therefore these Writ Petitions are liable to be dismissed.

4.It is seen from the records that prior to issuance of impugned notices, notices under Section 7 of the Tamil Nadu Land Encroachments Act, 1905 have been issued to all the petitioners. Since the second respondent has strictly followed the existing law, the Court cannot come to a conclusion that there is a flaw in the impugned notices.

5.Since there is no flaw in the impugned notices, the relief sought in these Writ Petitions cannot be granted and therefore the same are liable to be dismissed.

6.In fine, these Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Trichy District,
Trichy.

2. The Tahsildar,
Lalkudi Taluk,
Trichy District.



3. The Revenue Inspector,
Pallampadi Village Group,
Lalkudi Taluk,
Trichy District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 61943

PS

TE/JC/SAR-I : 04/07/2017 : 4P/5C

ORDER MADE IN
W.P (MD) Nos. 22819, 22820 & 22821 of 2015 and
M.P (MD) Nos. 1, 1 & 1 of 2015 and
W.M.P (MD) Nos. 1171, 1172 & 1173 of 2017
22.06.2017