

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.03.2018

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE S.VAIDYANATHAN

W.P.No.5088 of 2018 and

W.M.P.No. 6261 of 2018

1. M.Chandhra
2. M.Jothi
3. D.Chandrakumar
4. P.Kesavan
5. P.Ruban @ Santhakumar
6. S.Surya Kumar .. Petitioners
7.

Vs.

1. District Collector,
Thiruvallur, Master plan complex,
C.V.Naidu Salai,
Thiruvallur Town - 602 001

2. The Tahsildar
Madhuravoyal Taluk,
Alappakkam,
Chennai - 600 116
Thiruvallur District

3. The Revenue Inspector,
Madhuravoyal Taluk,
Madhuravoyal,
Chennai - 600 095
Thiruvallur District

..Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus thereby directing the 1st Respondent to dispose of the Appeal dated 16.02.2018 filed under Section 10 of Land Encroachment Act, 1905 in the subject matter of the property occupied by the Petitioners in Survey No.399, Ayanambakkam Village, Madhuravoyal Taluk, Thiruvallur District.

For Petitioners: Mr.K.Mohanamurali

For Respondents: Mr.A.N.Thambidurai

Special Government Pleader

O R D E R

Heard the Learned Counsel for the Petitioners and the Learned Special Government Pleader for the Respondents. By consent, the main Writ Petition itself is taken up for disposal.

2. No counter is filed on behalf of the Respondents.

3. According to the Petitioners, the 3rd Respondent without even perusing the valid records in regard to their occupation in S.No.399 of Ayanambakkam Village, Mudhuravoyal Taluk, Tiruvallur District, issued a notice dated 12.02.2018 in a stereo typed manner and all the Petitioners had objected to the said notice in regard to the status and occupation of the property enjoyed by them. Apart from that, the Petitioners had preferred Appeals dated 16.02.2018 before the 1st Respondent, as per Section 10 of the Tamilnadu Land Encroachment Act, 1905. They had also filed a Petitions under Section 10-B of the Tamilnadu Land Encroachment Act, 1905 seeking necessary Interim Reliefs.

4. Admittedly, as on date, the Appeals and Applications seeking Interim reliefs before the 1st Respondent are pending, till date and not yet disposed of by the 1st Respondent.

5. It is to be noted that a mere payment of Electricity charges, House Tax or penal charges to the Revenue Department, Possession of Adhar Card, Voter I.D. by the Petitioners will not enure to their benefit with a view to claim ownership of the property in question.

6. Considering the fact that the Petitioners' Appeals' together with the interim relief applications, are pending before the 1st Respondent, this Court is of the considered view that it is for the 1st Respondent to look into the substance and contents and if any substance is found in the Appeals, then, this Court directs the 1st Respondent / District Collector, Thiruvallur to dispose of the said Appeals together with the Interim Applications filed under Section 10-B of the Act, Tamilnadu Land Encroachment Act, 1905, of course, after providing necessary opportunities to the Petitioners, complainants, if any and others concerned, in any event, within a period of six weeks from the date of receipt of copy of this Order. It is open to the Petitioners to raise all factual and legal pleas before the 1st Respondent, who shall advert to the same with all seriousness and earnestness at the time of passing final orders. Till such time, the possession

manner whatsoever.

With the above observation(s) and direction(s), the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Tahsildar
Taluk Office, Avinashi,
Avinashi - 641 655
Thiruppur District

2. The Revenue Inspector,
Land Revenue Inspector East,
Avinashi Taluk Office,
Avinashi 641 655
Tiruppur District

+1cc to Mr.K.Mohanamurali, Advocate, S.R.No.17203

+1cc to the Government Pleader, S.R.No.18114

W.P.No.5088 of 2018 and
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ssd(CO)
GSP(02/04/2018)

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