

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2018

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR. JUSTICE S.BASKARAN

W.P.No. 20366 to 20369 of 2018
and
W.M.P. No.23916 to 23919 of 2018

M.Mahadevan ... Petitioner in W.P.No.20366 of 2018
M.Ravutha Thevar ... Petitioner in W.P.No.20367 of 2018
S.Senguttuvan ... Petitioner in W.P.No.20368 of 2018
M.Vimala ... Petitioner in W.P.No.20369 of 2018

Vs.

1. The District Collector,
Thiruvarur,
Thiruvarur District.
2. The Revenue Divisional Officer,
Mannargudi,
Thiruvarur District.
3. The Tahsildar,
Thiruthuraipoondi,
Thiruthuraipoondi Taluk,
Thiruvarur District. ... Respondents in all WPs

Prayer: Petitions are filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records in relates to the impugned notice issued by the third respondent in Na.Ka.No.3068/2018/B4 dated 23.07.2018 and quash the same and consequently direct the first respondent to pass orders on the reply of the petitioner dated 26.07.2018.

For Petitioner :: Mr.V.Kasinatha Bharathi

For Respondents :: Mr.R.Udhayakumar,
Additional Government Pleader.

C O M M O N O R D E R

(Order of the Court was made by N.KIRUBAKARAN,J.)

The petitioners are said to have occupied the land comprised in Survey Number 227/7 at Alangkadu, Thiruthuraipoondi Taluk, Thiruvarur District and constructed houses and they have been in possession for the past so many years. When things stand so, a notice under section 7 of the Tamil Nadu Land Encroachment Act, 1905, dated 23.07.2018 has been given to them, stating that the petitioners have encroached upon the property, which was allotted for military purpose. A reply dated 26.07.2018 has been given, stating that they have been enjoying the property for more than 50 years together. After giving the reply, the petitioners have come before this Court, challenging the very issuance of notices dated 23.07.2018 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

2.Heard Mr.V.Kasinatha Bharathi, learned counsel appearing for the petitioner and Mr.R.Udhayakumar, Additional Government Pleader, who takes notice on behalf of the respondents 1 to 3.

3.It is stated in the respective notices that the land is given for military purpose, whereas the petitioners have encroached upon the property and therefore, notices seek the petitioners to vacate the premises. The respective petitioners are said to have given reply on 26.07.2018.

4.Even though Mr.R.Udhayakumar, learned Additional Government Pleader would point out that there is no acknowledgement for having sent a reply, it is appropriate to direct the respective petitioners to serve a copy of their reply again, on the 3rd respondent, within a period of two weeks from the date of receipt of a copy of this order. On such reception of reply, the 3rd respondent is directed to conduct an enquiry, based on the documents to be produced by the petitioners in the personal hearing to be afforded to them and pass orders within a period of twelve weeks from date of receipt of reply. Till an enquiry is conducted, order is passed and served upon the petitioners, the respondents are prohibited from taking any action, disturbing in any way the possession of the respective petitioners. If any attempt is made to avoid service of order by the petitioners, the respondents are directed to paste the order on the door of the property of the respective petitioners and it will be deemed to be sufficient service.

With the above direction, these Writ Petitions are disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sai/vkr

To

1. The District Collector,
Thiruvarur,
Thiruvarur District.
2. The Revenue Divisional Officer,
Mannargudi,
Thiruvarur District.
3. The Tahsildar,
Thiruthuraipoondi,
Thiruthuraipoondi Taluk,
Thiruvarur District.

+4cc to Mr.V.Kasinatha Bharathi, Advocate Sr.54350 to 54353

सत्यमेव जयते W.P.No. 20366 to 20369 of 2018

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srg 6/9/2018

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