

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM

W.P.No.23448 of 2018

1. D.Devanbu
2. D.Chandra
3. K.Saral ... Petitioners

vs.

1. The Tahsildar,
Thiruporur Taluk,
Kancheepuram District.
2. The Revenue Inspector,
Mambakkam Firka,
Thiruporur Taluk,
Kancheepuram District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to call for the records relating to the impugned notices issued by the 2nd Respondent dated 13.08.2018 and quash the same and direct the Respondents to grant House Site Patta to the Petitioners in respect of the lands in their occupation and possession in Survey No.306/4, bearing Old No.3/429, New No.3/590, Gangai Amman Koil Street, Sathankuppam Village, Thiruporur Taluk, Kancheepuram District.

For Petitioners : Mr.J.Lakshmi Narayanan
For Respondents : Mrs.Rose Kamalam,
Government Advocate

O R D E R

(Order of the Court was made by M.VENUGOPAL,J.)

Petitioners have preferred the present Writ Petition praying to call for the records relating to the impugned notices issued by the 2nd Respondent dated 13.08.2018 and quash the same and direct the Respondents to grant House Site Patta to them in

respect of the lands in their occupation and possession in Survey No.306/4, bearing Old No.3/429, New No.3/590, Gangai Amman Koil Street, Sathankuppam Village, Thiruporur Taluk, Kancheepuram District.

2. Heard the Learned Counsel for the Petitioners and the Learned Government Advocate appearing for the Respondents. No counter is filed on behalf of the Respondents.

3. Admittedly, the Petitioners were issued with the impugned notice dated 13.08.2018 requiring them to appear in person on 27.08.2018 or to put forth their explanations for the Show Cause Notice issued to them. As a matter of fact, the Petitioners were issued with Section 7 Notice under the Tamil Nadu Land Encroachment Act, 1905. In each of the individual notices, the manner of encroachment mentioning the Survey Numbers, extent and the construction made by them, like Terraced House, Tiled House, etc. were mentioned. A detailed representation dated 20.08.2018 was given by the Writ Petitioner (D.Devanbu) to the Respondents, which was also adopted by the other Writ Petitioners.

4. In view of the detailed reply/explanation submitted by the Writ Petitioner (D.Devanbu) and also being adopted by the other Petitioners, this Court deems it fit and proper in directing the 1st Respondent/Tahsildar, Tiruporur Taluk, Kancheepuram District, to look into the objections/reply of the Petitioners dated 20.08.2018 and to dispose of the same by passing a reasoned, speaking order on merits within a period of four weeks from the date of receipt of a copy of this order. It is open to the Petitioners to put forth their grievance before the 1st Respondent by raising all factual and legal pleas and at the time of passing final orders in issue, the 1st Respondent is directed to advert to the points raised by the Petitioners, by taking into consideration of the same.

5. If the Petitioners require any time to produce relevant documents/records, the same may be granted by the 1st Respondent, after adhering to the principles of Natural justice. The 1st Respondent shall pass final orders in a dispassionate manner, uninfluenced and untrammelled with any of the observations made by this Court in the present Writ Petition. Till final orders are passed by the 1st Respondent, the Petitioners shall not be disturbed/dispossessed from the said property.

With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs. Consequently, connected W.M.P.No.27361 of 2018 is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Tahsildar,
Thiruporur Taluk,
Kancheepuram District.
2. The Revenue Inspector,
Mambakkam Firka,
Thiruporur Taluk,
Kancheepuram District.

+1cc to Mr.J.Lakshmi Narayanan, Advocate, S.R.No.62491

+1cc to the Government Pleader, S.R.No.62966

W.P.No.23448 of 2018

PPA (CO)
GSP (24/10/2018)

सत्यमेव जयते
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