

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2018

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.Nos.28050, 28061, 28066 & 28071 of 2018

M.Anjalammal ... Petitioner in W.P.No.28050 of 2018
Pachaiammal
W/o Palanimuthu ... Petitioner in W.P.No.28061 of 2018
P.Govindaraj ... Petitioner in W.P.No.28066 of 2018
S.Arukanni ... Petitioner in W.P.No.28071 of 2018

-vs-

1. The District Collector
Dharmapuri District
Collectorate, Dharmapuri 636 705
2. The Revenue Divisional Officer
Salem Bypass, Periyar Nagar
Harur, Dharmapuri District 636 903
3. The Tahsildar
Pappireddipatti Taluk
Dharmapuri District 636 905 ... Respondents in all the W.P's.

W.P.No.28050 of 2018 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the notices dated 08.12.2017 and 09.01.2018 issued by the third respondent to the petitioner under Sections 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905 in connection with the land measuring an extent of 0.40.0 hectares in S.No.40/3A in Devarajapalayam Village, Pappireddipatti Taluk, Dharmapuri District and quash the same as barred by limitation and violative of the fundamental rights of the petitioner under Articles 14 and 21 of the Constitution of India and consequently direct the third respondent to issue patta for the said land in the name of the petitioner.

W.P.No.28061 of 2018 is filed under Article 226 of the

Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the notices dated 08.12.2017 and 09.01.2018 issued by the third respondent to the petitioner under Sections 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905 in connection with the land measuring an extent of 0.35.0 hectares in S.No.36/1 in Devarajapalayam Village, Pappireddipatti Taluk, Dharmapuri District and quash the same as barred by limitation and violative of the fundamental rights of the petitioner under Articles 14 and 21 of the Constitution of India and consequently direct the third respondent to issue patta for the said land in the name of the petitioner.

W.P.No.28066 of 2018 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the notices dated 26.12.2017 and 09.01.2018 issued by the third respondent to the petitioner under Sections 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905 in connection with the land measuring an extent of 0.24.0 and 0.26.0 hectares in S.Nos.168/3A5, 168/3A4 in Molayanur Village, Pappireddipatti Taluk, Dharmapuri District and quash the same as barred by limitation and violative of the fundamental rights of the petitioner under Articles 14 and 21 of the Constitution of India and consequently direct the third respondent to issue patta for the said land in the name of the petitioner.

W.P.No.28071 of 2018 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the notices dated 08.12.2017 and 09.01.2018 issued by the third respondent to the petitioner under Sections 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905 in connection with the land measuring an extent of 0.48.5 and 0.50.0 hectares in S.Nos.17/3D and 18/2B in Kozhimokkanur Village, Pappireddipatti Taluk, Dharmapuri District and quash the same as barred by limitation and violative of the fundamental rights of the petitioner under Articles 14 and 21 of the Constitution of India and consequently direct the third respondent to issue patta for the said land in the name of the petitioner.

For Petitioners :: Mrs.Nalini Chidambaram
Senior Counsel for
M/s C.Uma

For Respondents :: Mr.J.Pothiraj
Special Government Pleader

ORDER

(Order of the Court was made by K.K.SASIDHARAN, J.)

Heard Mrs.Nalini Chidambaram, learned Senior Counsel on behalf of the petitioners. Mr.J.Pothiraj, learned Special Government Pleader takes notice for the respondents.

2. The challenge in these writ petitions is to the final orders under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

3. Admittedly, the orders passed under Section 6 of the Land Encroachment Act are appealable under Section 10 of the said Act. There is a provision for stay of further proceedings also under Section 10-B of the said Act. In view of the same, we do not propose to entertain the writ petitions.

4. We give liberty to the petitioners to file appeals before the appropriate authority under Section 10 of the Land Encroachment Act. If the appeals are filed within a period of 15 days from the date of receipt of a copy of this order, the Appellate Authority shall entertain the appeals de hors the question of limitation. The stay petitions shall be considered at the first instance. Till orders are passed in the stay petitions, status quo prevailing as on date shall be maintained. In case, no appeal is filed within the period noted above, it is open to the statutory authority to proceed in accordance with law.

5. The writ petitions are disposed of with the above direction. Consequently, W.M.P.Nos.32662, 32677, 32685, 32689, 32695, 32696, 32701 & 32702 of 2018 are closed. No costs.

Sd/-

Deputy Registrar

//True copy// सत्यमेव जयते

Sub Assistant Registrar

ss

To

1. The District Collector
Dharmapuri District
Collectorate, Dharmapuri 636 705
2. The Revenue Divisional Officer
Salem Bypass, Periyar Nagar

WEB COPY

Harur, Dharmapuri District 636 903

3. The Tahsildar
Pappireddipatti Taluk
Dharmapuri District 636 905

+4cc to Mr.C.Uma, Advocate SR.No.72928 to 72931

W.P.Nos.28050, 28061,
28066, 28071 of 2018

GMV (08/11/2018)



WEB COPY