

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2018

CORAM:

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

W.P.Nos.28223, 28230 and 28233 of 2018 and
WMP Nos.32907, 32912 and 32921 of 2018

PuuviarasanPetitioner in W.P.No.28223/2018
KanthaPetitioner in W.P.No.28230/2018
GanesanPetitioner in W.P.No.28233/2018

-vs-

- 1.The District Collector,
Kancheepuram District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Kancheepuram District.
- 3.The Director
Land Survey and Settlement
3rd Floor, Ezhilagam, Chennai - 600 005.
- 4.The Tahsildar,
Thiruporur Taluk, Kancheepuram District.
- 5.The Revenue Inspector,
Mampakkam, Thiruporur Taluk,
Kancheepuram District. Respondents in all WPs

Writ Petitions 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 notice under Section 7 of the Tamilnadu Land Encroachment Act, 1905 issued by the 5th respondent dated 13.08.2018 and quash the same and consequently direct the respondents to grant House Site Patta to petitioners in respect of lands in petitioners' occupation and possession in Survey No.306/4 bearing Door Nos.3/612, 3/601 and 3/609 respectively, Gangaianman Koil Street, Pudupakkam Village, Sathankuppam, Kelambakkam, Kancheepuram District.

For Petitioners: Mr.G.Anbuchezhian
For Respondents: Mr.J.Pothiraj,
Special Government Pleader

C O M M O N O R D E R

[Order of the Court was delivered by
K.K.SASIDHARAN,J.]

By consent, the writ petitions are taken up for final disposal during the time of admission.

2. Heard the learned counsel for the petitioners. We have also heard Mr.J.Pothiraj, learned Special Government Pleader on behalf of the respondents.

3. The challenge in these writ petitions is to the notices issued by the 5th respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. The petitioners were directed to explain as to why they should not be evicted from the subject property as they are encroachers. The notices are only show cause notices. The 4th respondent is yet to pass final order under Section 6 of the Act.

4. We are informed that the petitioners have all given objection to the notices under Section 7 of the Act.

5. We direct the 5th respondent to consider the objection objectively and pass appropriate orders on merits and in accordance with law. Status quo as on today shall be maintained till orders are passed by the 5th respondent.

6. The writ petitions are disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

1.Te District Collector,
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Kancheepuram District.

+1 CC to The Govt. Pleader sr 75301.

W.P.Nos.28223, 28230 and 28233 of 2018

SS(CO)
SP(22/11/2018)



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