

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. Nos.28582, 28594 and 28599 of 2018
and W.M.P.Nos.33354, 33361 and 33374 of 2018

M.L.Rajendran ... Petitioner in WP.28582/18
Vaiyapuri ... Petitioner in WP.28594/18
Rani ... Petitioner in WP.28599/18

vs

- 1.The District Collector,
Salem District, Salem-636 001
 - 2.The Tahsildar,
Edappadi Taluk Office, Edappadi Taluk,
Salem District.
 - 3.The Revenue Inspector,
Poolampatti Village, Edappadi Taluk,
Salem District.
- ... Respondents in all WPs.

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records relating to the notice dated 17.09.2018 issued by the 3rd respondent u/s 7 of the Tamil Nadu Land Encroachment Act, 1905 and the final notice dated 09.10.2018 issued by the 2nd respondent u/s 6 of the said Act and quash the said notices and also to forbear the respondents from evicting or taking possession or dispossessing the petitioners from the land measuring 0.0016.0 sq.meter in Survey No.165/2B and the residential houses therein bearing Door Nos.3/1-166, 3/1-164, 3/1-163 respectively, Poolampatti Main Road, Poolampatti Village, Edappadi Taluk, Salem District.

For Petitioners : Mr.P.Jagadeesan
For Respondents : Mr.V.Jayaprakash Narayanan
Govt. Pleader (I/c.)

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The prayer of the petitioners is to quash the impugned notices dated 17.09.2018 and 09.10.2018 issued by the 3rd respondent, Revenue Inspector, Poolampatti Village, Edappadi Taluk, Salem District and the 2nd respondent Tahsildar, Edappadi Taluk, Salem District, respectively.

2.Mr.V.Jayaprakash Narayanan, learned Government Pleader (I/c.) has filed an additional counter affidavit on behalf of respondent no.2, wherein it is stated that the said notices are being withdrawn with liberty to issue a fresh notice to each of the petitioners.

3.According to respondent no.2, the land in question is river margin. However, according to the learned counsel for the petitioners, the land is 'Grama Natham'. At this stage, we are not giving any finding in relation to the classification of the said land. In case, a notice is received by the petitioners, it would be open to them to reply to the same. All contentions of the petitioners are left open including their contention that the land is not river margin, but it is 'Grama Natham'.

With the above observation, the writ petitions are disposed of. No costs. Consequently, W.M.P.Nos.33354, 33361 and 33374 of 2018 are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sra

To

1.The District Collector,
Salem District, Salem.

2.The Tahsildar,
Edappadi Taluk Office, Edappadi Taluk,
Salem District.

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3.The Revenue Inspector,
Poolampatti Village, Edappadi Taluk,
Salem District.

+1cc to Mr.P.Jagadeesan, Advocate, S.R.No.83116

+1cc to the Government Pleader, S.R.No.83637

W.P.Nos.28582, 28594 and
28599 of 2018

VSNII (CO)
GSP (26/12/2018)



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