

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.3427 of 2019

- 1.R.Vanaja
- 2.R.Dinesh
- 3.M.Sivanantham
- 4.Neelavathi
- 5.V.Uma
- 6.M.Ravichandran
- 7.M.Shankar
- 8.Basannava Chowdry
- 9.M.Chandrasekar

.. Petitioners

-vs-

- 1.The Thasildar,
Office of the Thasildar,
Thiruvallur.
- 2.The District Collector,
Office of the Collectorate,
Thiruvallur.
- 3.The Commissioner of Land Administration,
Office of the Commissioner
for Land Administration,
Ezhilagam, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the respondents from evicting or dispossessing the petitioners from the suit land comprised in S.No.843, Village 86, Nathamedu, Tiruvur Kuruvattam, Kannadapalayam, Tiruvallur District pursuant to notice dated 21.01.2019 and made in Na.Ka.No.206/19/A2 measuring an extent of 0.68.0 issued by the first respondent without following the due procedure prescribed under the Tamil Nadu Act III of 1905.

For Petitioners : Mr.G.Ravishankar

For Respondent : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)

ORDER

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

Heard the learned counsel for the petitioners and the learned Government Pleader (i/c) appearing for the respondents.

2. The petitioners have approached this Court in relation to notices issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. The said notices are dated 21.01.2019.

3. The petitioners apprehend that on the basis of the said notices, they would be evicted from the premises, which are situated in S.No.843, Village 86, Nathamedu, Thiruvur Kuruvattam, Kannadapalayam, Tiruvallur District.

4. The petitioners have not yet received notices under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. Obviously, without issuing notices under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the petitioners cannot be evicted.

5. The respondents to follow due process of law before evicting the petitioners. The petitioners will have to be issued notices under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 before evicting them.

6. With the above observation, the writ petition is disposed of. No costs. Consequently, W.M.P.No.3725 of 2019 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Thasildar,
Office of the Thasildar, Thiruvallur.

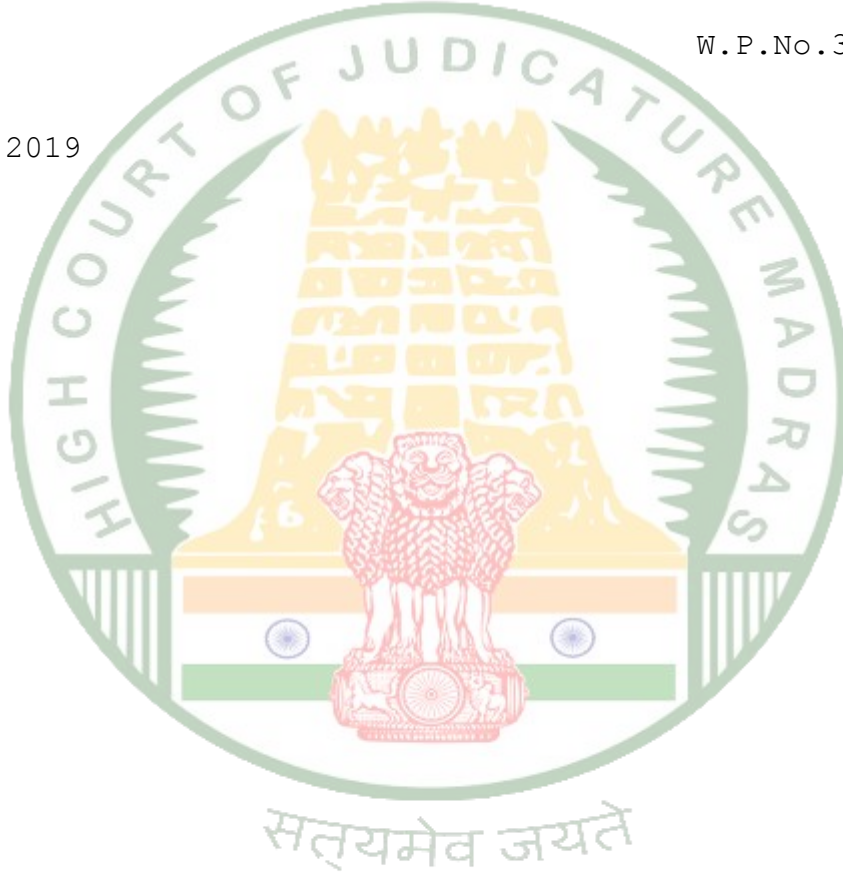
2.The District Collector,
Office of the Collectorate,
Thiruvallur.

3.The Commissioner of Land Administration,
Office of the Commissioner
for Land Administration,
Ezhilagam, Chennai.

+1 cc to Mr.G.Ravishankar, Advocate Sr.No.10104

W.P.No.3427 of 2019

NMI (CO)
CSL/07.02.2019



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