

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. Nos.35171 to 35175 of 2005 and
W.M.P. Nos.38149 to 38157 of 2005

M.Lalitha .. Petitioner in W.P.No.35171/2007
S.Sigamani .. Petitioner in W.P.No.35172/2007
R.Chinnapaiyan .. Petitioner in W.P.No.35173/2007
V.Venugopal .. Petitioner in W.P.No.35174/2007
K.Dhanapal .. Petitioner in W.P.No.35175/2007

vs.

- 1 The District Collector
Salem
2. The Revenue Divisional Officer
Salem
3. The Tahsildar
Salem
4. Revenue Inspector
Vembadithalam
Salem

.. Respondents in all WPs

W.P.No.35171/2005 Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, calling for the records of the 4th respondent comprised in his notice dated 03.10.2005, quash the same as illegal unconstitutional, ultra vires the provisions of the Land Encroachment Act, 1905 and consequently direct the respondents to issue patta to the petitioner's land comprised in S.No.23/3, 9-1/70, Kakapalayam Road, Ilampillai Vilalge, Salem admeasuring 001.5 acres.

W.P.No.35172/2005 Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, calling for the records of the 4th respondent comprised in his notice dated 03.10.2005, quash the

same as illegal unconstitutional, ultra vires the provisions of the Land Encroachment Act, 1905 and consequently direct the respondents to issue patta to the petitioner's land comprised in S.No.23/3, 8-1/305, Santhaipettai Road, Ilampillai Vilalge, Salem admeasuring 001.5 acres.

W.P.No.35173/2005 Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, calling for the records of the 4th respondent comprised in his notice dated 03.10.2005, quash the same as illegal unconstitutional, ultra vires the provisions of the Land Encroachment Act, 1905 and consequently direct the respondents to issue patta to the petitioner's land comprised in S.No.23/3, 9-1/94, Kakapalayam Road, Ilampillai Vilalge, Salem admeasuring 001.0 acres.

W.P.No.35174/2005 Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, calling for the records of the 4th respondent comprised in his notice dated 03.10.2005, quash the same as illegal unconstitutional, ultra vires the provisions of the Land Encroachment Act, 1905 and consequently direct the respondents to issue patta to the petitioner's land comprised in S.No.23/3, 8-1/247, Santhaipettai Road Road, Ilampillai Vilalge, Salem admeasuring 001.0 acres.

W.P.No.35175/2005 Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, calling for the records of the 4th respondent comprised in his notice dated 03.10.2005, quash the same as illegal unconstitutional, ultra vires the provisions of the Land Encroachment Act, 1905 and consequently direct the respondents to issue patta to the petitioner's land comprised in S.No.23/3, 8-1/293, Santhaipettai Road Road, Ilampillai Vilalge, Salem admeasuring 001.0 acres.

For Petitioners : Mr. R.Parthasarathy
(in all WPs)

For Respondents : Mr.V.Jayaprakash Naraanan
(in all WPs) Government Pleader (i/c)

COMMON ORDER
(Order of the Court made by M.DURAIWAMY,J.)

The petitioners have filed the above Writ Petitions to issue a Writs of Certiorarified Mandamus to call for the records of the 4th respondent comprised in his notices dated 03.10.2005, to quash the same and consequently direct the

respondents to issue patta to the petitioner's lands.

2. Since the issue involved in all the Writ Petitions are identical, the Writ Petitions are disposed of by this common order.

3. The petitioners have challenged the notices dated 03.10.2005 issued under section 7 of the Tamil Nadu Land Encroachment Act, 1905, in all these Writ Petitions.

4. The notice under section 7 is only a show cause notice and the petitioners have challenged the same, which is at premature stage. The petitioners have got remedy by way of an appeal under section 10 as against the order passed under section 7 of the Land Encroachment Act.

5. In these circumstances, we are not inclined to entertain the Writ Petitions. However, it is open to the petitioners to give their reply to the notice issued under section 7 of the Land Encroachment Act to the Authority and the concerned authority shall pass appropriate orders considering the reply to be submitted by the petitioners.

With these observations, the The Writ Petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Rj

To

- 1 The District Collector, Salem.
 2. The Revenue Divisional Officer, Salem.
 3. The Tahsildar, Salem.
 4. Revenue Inspector, Vembadithalam, Salem.
- +1 cc to The Government Pleader, Sr.No.24662

W.P. Nos.35171 to 35175 of 2005 and
W.M.P. Nos.38149 to 38157 of 2005

RK(CO)
CSL/05.04.2019