

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2019

CORAM

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.Nos.4725, 4731, 4736, 4739, 4744 and 4745 of 2019

Kirubakaran	.. Petitioner in W.P.4725/2019
Faruq	.. Petitioner in W.P.4731/2019
Basheer	.. Petitioner in W.P.4736/2019
Nizar Ahamed	.. Petitioner in W.P.4739/2019
Babu	.. Petitioner in W.P.4744/2019
Badhurudeen	.. Petitioner in W.P.No.4745/2019
v.	
1 The Tahsildar Coonoor Taluk Coonoor - Nilgiris District.	
2 The District Collector Nilgiris District Nilgiris.	.. Respondents in all Wps

W.P.No.4725 of 2019 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records comprised in the Proceedings of the first respondent bearing No.Rc (A2) 4466/2017, dated 07.2.2019 and quash the same and by directing the respondents not to in any manner interfere with the peaceful possession and enjoyment of the property situate at Survey No.B/22/11, measuring about 0.00.10 Hectares which is comprised in the above proceedings.

W.P.No.4731 of 2019 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records comprised in the Proceedings of the first respondent bearing No.Rc (A2) 4466/2017, dated 07.2.2019 and quash the same and by directing the respondents not to in any manner interfere with the peaceful possession and enjoyment of the property situate at Survey No.B/59/4, measuring about 0.00.16 Hectares which is comprised in the above proceedings.

W.P.No.4736 of 2019 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records comprised in the Proceedings of the first respondent bearing No.Rc (A2) 4466/2017, dated 07.2.2019 and quash the same and by directing the respondents not to in any manner interfere with the peaceful possession and enjoyment of the property situate at Survey No.B/22/11, measuring about 0.00.25 Hectares which is comprised in the above proceedings.

W.P.No.4739 of 2019 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records comprised in the Proceedings of the first respondent bearing No.Rc (A2) 4466/2017, dated 07.2.2019 and quash the same and by directing the respondents not to in any manner interfere with the peaceful possession and enjoyment of the property situate at Survey No.B/22/11, measuring about 0.00.16 Hectares which is comprised in the above proceedings.

W.P.No.4744 of 2019 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records comprised in the Proceedings of the first respondent bearing No.Rc (A2) 4466/2017, dated 07.2.2019 and quash the same and by directing the respondents not to in any manner interfere with the peaceful possession and enjoyment of the property situate at Survey No.B/22/11, measuring about 0.00.16 Hectares which is comprised in the above proceedings.

W.P.No.4745 of 2019 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records comprised in the Proceedings of the first respondent bearing No.Rc (A2) 4466/2017, dated 07.2.2019 and quash the same and by directing the respondents not to in any manner interfere with the peaceful possession and enjoyment of the property situate at Survey No.B/59/4, measuring about 0.00.16 Hectares which is comprised in the above proceedings.

For Petitioner in all : Mr.T.T.Ravichandran
writ petitions

For Respondents in all : Mr.S.Kamalesh Kannan
writ petitions Government Advocate

COMMON ORDER

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

Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents.

2. The case of the petitioners is that they were issued notices dated 10.5.2018 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. Thereafter, the petitioners were issued notices under Sections 6 and 7 of the said Act on 7.2.2019. The prayer of the petitioners is that the said notices be quashed and directions be issued to the authorities that they should not in any manner interfere with the peaceful possession and enjoyment of the properties of the petitioners situated in Coonoor Town Revenue Village, Coonoor Municipality, the particulars of which are as under:

W.P.No.	Survey No.	Extent
W.P.No.4725/2019	B/22/11	0.00.10 Hectares
W.P.No.4731/2019	B/59/4	0.00.16 Hectares
W.P.No.4736/2019	B/22/11	0.00.25 Hectares
W.P.No.4739/2019	B/22/11	0.00.16 Hectares
W.P.No.4744/2019	B/22/11	0.00.16 Hectares
W.P.No.4745/2019	B/59/4	0.00.16 Hectares

3. The petitioners have been issued notices under Sections 6 and 7 of the Act. Against a notice under Section 6 of the said Act, the petitioners have a remedy of appeal under Section 10 of the said Act. The petitioners can also prefer an application for stay in the said appeal if they apprehend that they may be dispossessed during the pendency of the appeal.

4. The learned counsel for the petitioners stated that as the notices dated 7.2.2019 mention that the petitioners have to vacate the premises within 48 hours, he apprehends that the petitioners would be dispossessed from the said property.

5. Looking to all the above facts, we relegate the petitioners to the remedy of preferring an appeal and application for stay in the appeal. Status-quo to be maintained for a period of 48 hours from today.

6. The writ petition is disposed of with the above observations. No costs. Consequently, W.M.P.Nos.5358, 5362, 5368, 5369, 5375 and 5377 of 2019 are closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Tahsildar
Coonoor Taluk
Coonoor - Nilgiris District.
- 2 The District Collector
Nilgiris District
Nilgiris.

W.P.Nos.4725,4731,4736,
4739,4744 and 4745 of 2019

MPI (CO)
SSM(21/02/2019)

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