

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.10999 of 2019

and

WMP.No.11431 of 2019

1. Ganapathy
2. Narayanaswamy
3. Mari
4. Gnanaselvi
5. Saraswathi
6. Gajendhiran
7. Natraj
8. Padmavathi
9. Kannammal
10. Palani
11. Nagammal
12. Raviraj

...Petitioners

Vs.

- 1.The District Collector  
Kancheepuram District  
Office of the District Collector  
Kancheepuram.
- 2.The Thasildhar  
Thirukalukundram Taluk  
Office of the Thirukalukundram Taluk  
Thirukalukundram  
Kancheepuram District.

- 3.The Revenue Inspector  
Poonvilaithakalathur  
Thirukalukundram  
Kancheepuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider and pass orders in the representation cum explanation of the petitioners dated 02.04.2018 and issue patta in the name of the petitioners in respect of the lands in Survey Nos.196-1, 198-18, 197-18 and 197-1 in Sogandi Village, Thirukalukundram Taluk, Kancheepuram District

For Petitioners : Mr.Na.Malai Saravanan

For Respondents : Mr.S.N.Parthasarathy  
Government Advocate

O R D E R

Mr.S.N.Parthasarathy, learned Government Advocate takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioners seek for a mandamus directing the respondents to consider and pass orders on the representation dated 02.04.2018, wherein and whereby, they sought for issuance of patta in the their favour in respect of the lands in Survey Nos.196-1, 198-18, 197-18 and 197-1 in Sogandi Village, Thirukalukundram Taluk, Kancheepuram District.

3. It is stated that the petitioners are doing cultivation in the above said lands for the past 5 decades. It is further stated that the 2nd respondent herein has issued notice dated 21.03.2018 under Section 7 of the Tamil Nadu Act III of 1905 to all the petitioners to submit their explanations with regard to the alleged encroachment. It is further stated that the petitioners had submitted their explanations on 02.04.2018 and the said explanations have not been considered by the respondents so far. It is further stated that all of a sudden, the 2nd respondent issued has notice dated 03.01.2019 to all the petitioners under Section 6 of the Tamil Nadu Act III of 1905, called upon the petitioners to submit their explanations as to why they should not be evicted from the respective lands. According to the petitioners, the explanations submitted by them on 02.04.2018, have not been considered by the respondents so far. Hence, the present writ petition is filed before this Court with the relief as stated supra.

4. Heard both sides.

5. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioners, as it is for the 2nd respondent to consider and decide the same on merits and in accordance with law. Thus, this writ petition is disposed of, only with a direction to the 2nd respondent to consider the explanations submitted by the petitioners on 02.04.2018 and pass

orders on the same on merits and in accordance with law, after hearing the petitioners and other interested parties, if any. Such exercise shall be done by the 2nd respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector  
Kancheepuram District  
Office of the District Collector  
Kancheepuram.
- 2.The Thasildhar  
Thirukalukundram Taluk  
Office of the Thirukalukundram Taluk  
Thirukalukundram  
Kancheepuram District.
- 3.The Revenue Inspector  
Poonvilaithakalathur  
Thirukalukundram  
Kancheepuram District.

+1 cc to Mr.Na.Malai Saravanan, Advocate, S.R.No.35634

+1 cc to the Government Pleader, S.R.No.36314

W.P.No.10999 of 2019

NRJK(CO)  
SSM(22/05/2019).

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