

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.05.2019

Coram

The Hon'ble Mr. Justice N.SATHISH KUMAR
and
The Hon'ble Ms. Justice P.T.ASHA

W.P.Nos.15164 and 15165 of 2019
and
W.M.P.Nos.15158 and 15159 of 2019

N.Muthulakshmi ... Petitioner in
W.P.No.15164 of 2019
J.Jayanthi ... Petitioner in
W.P.No.15165 of 2019

Vs

- 1.The Government of Tamil Nadu
rep. by its Secretary,
Revenue Department,
Fort St. George, Chennai - 9.
- 2.The Government of Tamil Nadu
rep. by its Secretary,
Social Welfare Department,
Fort St. George, Chennai - 9.
- 3.The District Collector,
Kancheepuram District,
Kancheepuram, Thiruvallur District.
- 4.The District Revenue Officer,
Kancheepuram District,
Kancheepuram.
- 5.The Revenue Divisional Officer,
Chengalpet, Chengalpet District.

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6.The Tahsildar,
Chengalput Taluk,
Kancheepuram District.

7.The Revenue Inspector,
Singaperumal Koil Firka,
Chengalpattu Taluk,
Kancheepuram District.

8.The Village Administrative
Officer, Thirutheri Village,
Singaperumal Koil,
Chengalpattu Taluk,
Kancheepuram District.

Respondents in
both W.Ps

Petitions filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing respondents 3 to 8 to follow the procedure which is contemplated under the Tamil Nadu Land Encroachment Act, 1905 in respect of removal of the petitioners' properties situate in S.No.120/2 of Thirutheri Village, Old No.7/275, New No.11/328, Sathya Nagar, Thirutheri Village, Singa Perumal Koil, Chengalput Taluk, Kancheepuram District - 603 204 and S.No.120/2 of Thirutheri Village, Door No.11/327, Sathya Nagar, Thirutheri Village, Singa Perumal Koil, Chengalput Taluk, Kancheepuram District - 603 204.

For Petitioner .. Mr.A.Ilayaperumal
in both W.Ps

For Respondents.. Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader
in both W.Ps

COMMON ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

Seeking a direction to respondents 3 to 8 to follow the procedure which is contemplated under the Tamil Nadu Land Encroachment Act, 1905 in respect of removal of the petitioners' properties situate in S.No.120/2 of Thirutheri Village, Old No.7/275, New No.11/328, Sathya Nagar, Thirutheri Village, Singa Perumal Koil, Chengalput Taluk, Kancheepuram District - 603 204 and S.No.120/2 of Thirutheri Village, Door No.11/327, Sathya Nagar,

Thirutheri Village, Singa Perumal Koil, Chengalput Taluk, Kancheepuram District - 603 204, the present writ petitions have been filed.

2.The grievance of the petitioner in both the writ petitions is that without following due procedure, the respondents particularly respondents 3 to 8 are trying to evict them. When the matter came before us on 29.05.2019, we directed the learned Special Government Pleader appearing for the respondents to find out whether notice has been issued to the petitioners. Today, when the matter is taken up for hearing, learned Special Government Pleader appearing for the respondents fairly submitted that no notice as contemplated under the Land Encroachment Act has been issued. He further submitted that the respondents will take action only after following due process of law.

3.Since no notice whatsoever has been issued and no process of law has been followed, we are of the view that till such process is followed, there cannot be any coercive method of eviction. The respondents are at liberty to follow due process of law and initiate action against the encroachers.

4.With the above observation, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 9.

2.The Secretary to Government,
Social Welfare Department,
Fort St. George, Chennai - 9.

3.The District Collector,
Kancheepuram District,
Kancheepuram, Thiruvallur District.

- 4.The District Revenue Officer,
Kancheepuram District,
Kancheepuram.
- 5.The Revenue Divisional Officer,
Chengalpet, Chengalpet District.
- 6.The Tahsildar,
Chengalput Taluk,
Kancheepuram District.
- 7.The Revenue Inspector,
Singaperumal Koil Firka,
Chengalpattu Taluk,
Kancheepuram District.
- 8.The Village Administrative
Officer, Thirutheri Village,
Singaperumal Koil,
Chengalpattu Taluk,
Kancheepuram District.

+1 cc to Government Pleader Sr.No. 44695

+2ccs to Mr. A.Ilayaperumal, Advocate SR.No. 44368 44369

W.P.Nos.15164 and
15165 of 2019

ppa (CO)
A.SK(28/06/2019)
A.SK(10/07/2019)



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