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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. Nos.19262, 19267 and 19268 of 2019
and W.M.P.Nos.18697, 18699, 18703, 18706
and 18707 of 2019

T.Lurdhu Marie Caroline	.. Petitioner in WP.19262/19
P.Azhagesan	.. Petitioner in WP.19267/19
J.Jaganathan	.. Petitioner in WP.19268/19

-vs-

- 1.The District Collector,
Chingleput, Kancheepuram District.
- 2.The Tahsildar,
Chingleput, Kancheepuram District.
- 3.Revenue Inspector,
Chingleput Firka, Chingleput,
Kancheepuram District. .. Respondents in all WPs.

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records pertaining to the impugned notices dated 13.06.2019 on the file of the 3rd respondent to evict the petitioners from agricultural land located at Survey Nos.96/8, 96/7, 96/1, Alapakkam Village, Chingleput Taluk, Kancheepuram District, measuring an extent of 1.31.5 hectares, 1.41.5 hectares and 1.41.5 hectares respectively and quash the same.

For Petitioners
in all WPs.

: Mr.Raja Rajan
for Mr.K.Subramanian



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For Respondents
in all WPs.

: Mr.S.Kamalesh Kannan
Govt. Advocate

* * * * *

COMMON ORDER

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

Since the issues involved in the above writ petitions are identical, the writ petitions are disposed of by this common order.

2.The petitioners have filed the above writ petitions to issue writ of certiorari calling for the records pertaining to the impugned notices dated 13.06.2019 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, in respect of the land situated at Survey Nos.96/8, 96/7, 96/1, Alapakkam Village, Chingleput Taluk, Kancheepuram District, measuring an extent of 1.31.5 hectares, 1.41.5 hectares and 1.41.5 hectares respectively and to quash the same.

3.It is the settled position that the alleged encroacher cannot challenge a notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and the cause of action for challenging the proceedings initiated under the said Act would arise only after the issuance of notice under Section 6 of the said Act.

4.However, the learned counsel appearing for the petitioners submitted that after the issuance of notice under Section 7, in spite of the fact that the petitioners have given their reply to the said notice, the authorities are proceeding to evict the petitioners from the land in dispute.

5.Mr.S.Kamalesh Kannan, the learned Government Advocate, taking notice on behalf of all the respondents, submitted that the respondents would take possession of the property only after passing of an order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

6.In view of the submission made by the learned Government Advocate, we direct the second respondent to consider the petitioners' reply given to the notice under Section 7 and pass orders in accordance with law under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.



With these observations, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The District Collector,
Chingleput, Kancheepuram District.
- 2.The Tahsildar,
Chingleput, Kancheepuram District.
- 3.Revenue Inspector,
Chingleput Firka, Chingleput,
Kancheepuram District.

+1cc to Mr. K.Subramaniyan, Advocate SR.No. 59807
+1 cc to Government Pleader Sr.No. 59771

W.P.Nos.19262, 19267 and
19268 of 2019

A.SK(31/07/2019)