



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**

and

**THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.P (MD) Nos.23976, 23978, 23982, 23984, 23986, 23988, 23989, 23990,  
23992, 23993, 23994, 24001 of 2019**

and

**W.M.P. (MD) Nos.20589, 20590, 20592, 20593, 20595, 20597, 20598,  
20599, 20600, 20601, 20602, 20605 of 2019**

- |                   |                                       |
|-------------------|---------------------------------------|
| 1. G.Sahayam      | ... Petitioner in WP(MD). 23976/ 2019 |
| 2. V.Anthoniammal | ... Petitioner in WP(MD). 23978/ 2019 |
| 3. M.Kayalvizhi   | ... Petitioner in WP(MD). 23982/ 2019 |
| 4. M.Kathiravan   | ... Petitioner in WP(MD). 23984/ 2019 |
| 5. A.Saranya      | ... Petitioner in WP(MD). 23986/ 2019 |
| 6. M.Radhika      | ... Petitioner in WP(MD). 23988/ 2019 |
| 7. M.Krishnaveni  | ... Petitioner in WP(MD). 23989/ 2019 |
| 8. V.Santhakumari | ... Petitioner in WP(MD). 23990/ 2019 |
| 9. M.Priya        | ... Petitioner in WP(MD). 23992/ 2019 |
| 10. R.Muthumari   | ... Petitioner in WP(MD). 23993/ 2019 |
| 11. T.Bommi       | ... Petitioner in WP(MD). 23994/ 2019 |
| 12. V.Maheswaran  | ... Petitioner in WP(MD). 24001/ 2019 |

Vs. -

1.The District Collector  
Dindigul District, Dindigul.

2.Revenue Divisional Officer,  
Anandhagiri, 4th Street,  
Kodaikkanal, Dindigul District - 624 101.

3.The Tahsildar,  
Kodaikkanal Taluk,  
Anna Salai, Kodaikkanal,  
Dindigul District - 624 101.



4.The Revenue Inspector,  
Kodaikkanal Firka,  
Anna Salai, Kodaikkanal.

... Respondents in all Writ Petitions

**COMMON PRAYER:** Writ Petitions is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records in the impugned notice in R.O.C., No.3669/2019/B2 served on the petitioners on 08.11.2019 issued by the third respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, quash the same and further direct the respondents to consider the case of the petitioners for grant of house site patta.

For Petitioner : Mr.M.V.Venkataseshan  
(in all Writ Petitions)

For Respondents : Mr.A.K.Baskara Pandian  
Special Government Pleader  
(in all Writ Petitions)

**COMMON ORDER**

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.M.V.Venkataseshan, learned counsel for the petitioners and Mr.A.K.Baskara Pandian, learned Special Government Pleader for the respondents.

2. These writ petitions have been filed seeking issuance of writ of certiorarified mandamus to quash the notice issued by the third respondent, dated 08.11.2019 and to direct the respondents to grant house site patta to the petitioners.

3. Earlier encroachers, who are similarly placed to that of the petitioners have filed W.P.(MD)No.18739 of 2019 etc., batch challenging the notice issued under Section 6 of the Land Encroachment Act, 1905 (in short 'Act'). The Hon'ble Division Bench of this Court by order, dated 29.08.2019 directed to treat the notice issued under Section 6 of the Act as show cause notice under Section 7 of the Act and objections were directed to be given. It is not known what happened thereafter.

4. Now the petitioners are before this Court challenging the notice issued under Section 6 of the Act. In page 37 and 38 of the typed set of papers, photographs have been filed, from which *prima facie* it is clear that all the encroachments are very recent origin and the type of houses, which have erected, clearly show that is it not a regular type of houses constructed in a hilly area. If according to the petitioner, they are all residing for several years, then there is no necessity in keeping a common kitchen and



cooking outside in the open ground. It is evidently clear that the encroachments are of recent origin and the same are made with a view to obtain free house site patta.

5. Therefore, we do not propose to interfere with the impugned notice. We direct the Tahsildar, Kodaikanal Taluk to grant 15 days time to all the petitioners to remove the encroachment and go back to their respective places. If they fail to do so, action be initiated to clear the encroachment.

6. These Writ Petitions are dismissed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,  
Dindigul District, Dindigul.
- 2.The Revenue Divisional Officer,  
Anandhagiri, 4<sup>th</sup> Street,  
Kodiakanal, Dindigul District-624 101.
- 3.The Tahsildar,  
Kodaikkanal Taluk,  
Anna Salai, Kodiakkanal,  
Dindigul District-624 101.
- 4.The Revenue Inspector,  
Kodaikkanal Firka,  
Anna Salai, Kodaikkanal.

+2CC TO MR.M.VENKATASESHAN, Advocate Sr. No.  
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.98820

**W.P(MD)No.23976 of 2019 etc., batch**  
**14.11.2019**

DKS (CO)  
TR(02.12.2019) 3P 8C