

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.13305 of 2020
& W.M.P.Nos.16450 & 16445 of 2020

1.Vanaja
2.Dinesh
3.Sivanantham
4.Neelavathi
5.Uma
6.Chandrasekar
7.Ravichandran
8.Sankar
9.Bhaswan Chowdry

.. Petitioners

Vs

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.The Tahsildar,
Tiruvallur Taluk,
Tiruvallur.

3.The Village Administrative Officer,
Nathamedu Village,
Hamlet of Pakkam Village,
Tiruvallur (TK) & District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the second respondent's proceedings issued in Na.Ka.No.1553/202/B2 dated 30/06/2020 and quash the same and forbear the respondents from evicting the petitioners from Survey Nos.841, 842, 843 and 844 over an extent of 9.08 acres situate at Nathamedu Village, Hamlet of Pakkam Village, Tiruvallur (TK) and District, without any due process of law.

For Petitioners .. Mr.M.Muthappan
For Respondents .. Mr.S.Kamalesh Kannan,G.A.,

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

The petitioner has come forward to challenge the proceedings of the respondent dated 30.06.2020 by which the representation made by the petitioner was rejected. In fact, the impugned order was passed only on the complaint laid by the petitioner against the Village Administrative Officer.

2. Though the learned counsel appearing for the petitioner submitted that pursuant to the impugned order, the petitioner is likely to be evicted, we are not inclined to interfere with the same. Admittedly, the petitioner has already approached the civil court by filing a suit seeking declaration of title and for a consequential relief of permanent injunction apart from seeking mandatory injunction. The said suit was filed in the month of April 2019, after the earlier order passed by the Division Bench of this Court in W.P.No.3427 of 2019 dated 06.02.2019. The aforesaid writ petition was with respect to S.No.843 of Nathamedu village. The Division Bench took into consideration of the fact that already a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, has been issued to the petitioner though only an innocuous prayer of writ of mandamus was sought for seeking a prohibitory order against the respondent from dispossessing all of them without due process of law.

3. In view of the above said fact, we are not inclined to entertain this writ petition and this writ petition is dismissed accordingly. However, the dismissal of this writ petition will not stand in the way of the petitioner to get appropriate orders in the pending civil suit. No costs. Consequently, connected miscellaneous petitions are also dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The District Collector, Tiruvallur District, Tiruvallur.

2. The Tahsildar, Tiruvallur Taluk, Tiruvallur.

3.The Village Administrative Officer, Nathamedu Village,
Hamlet of
Pakkam Village, Tiruvallur (TK) & District.

+1 CC to Mr.M.Muthappan, Advocate sr 31448.

W.P.No.13305 of 2020

MR(CO)
SP(20/10/2020)