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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.14464 of 2021
and
W.M.P.No.15351 of 2021

N.R.Loganathan

... Petitioner

Vs

1.The District Collector,
Office of the District Collector,
Kancheepuram District,
Kancheepuram.

2.Revenue Divisional Officer,
Sriperumbudur Taluk,
Kancheepuram District.

3.Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District.

4.Revenue Inspector,
Thandalam Kuruvattam,
Sriperumbudur Taluk,
Kancheepuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the records of the 4th Respondent notice dated 06.07.2021 and quash the same and praying for a Writ of Mandamus, directing the Respondents 1 to 3 to issue Patta to me to an extent of 1 acre 33 cents in survey No.390/1, Mevaloor Kuppam Village, Pappanchattiram, Sriperumbudur Taluk District.

For Petitioner : Mr.K.Sakthivel.

For Respondents : Mr.P.Balathandayutham,
State Government Counsel.



O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The matter has been heard through "Video Conference".

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2.The Petitioner claims that he is the owner of the property comprised in S.No.390/1 to an extent of 1 acre 33 cents situated at Mevaloor Kuppam Village, Sriperumbudur Taluk, Kancheepuram District as he purchased the said property from one Mr.A.T.Natesan. According to the Petitioner, the said A.T.Natesan was in possession of 4 acres of land which is classified as Anadheenam out of which 1 acre 33 cents has been purchased by the Petitioner. From the date of purchase, the Petitioner is in possession of the property and was paying land tax for many years.

3.However, the Fourth Respondent / Revenue Inspector had issued eviction notice dated 06.07.2021 under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 as if the Petitioner is an encroacher. The Learned Counsel for the Petitioner contends that no notice has been served as contemplated under Section 7 of the Land Encroachment Act and thus, principles of natural justice have been violated and hence, the Petitioner has approached this Court by filing this Writ Petition with the aforesaid prayers.

4.Heard Mr.K.Sakthivel, Learned Counsel for the Petitioner and Mr.P.Balathandayutham, Learned State Government Counsel for the Respondents.

5.Though the Petitioner claims that he has purchased the property by sale deed dated 20.02.1995, the classification of the said property is 'Anadheenam'. In any event, the said issue has to be agitated only before the Respondents to prove that it is unobjectionable land by producing the necessary documents and the Petitioner submits that he is entitled for the same under Revenue Standing Orders 15, Section 1(5).

6.Since no notice under Section 7 of the Land Encroachment Act has been issued and straight away, eviction notice under Section 6 of the Land Encroachment Act has been issued, this Court directs the Petitioner to consider the notice issued under Section 6 of the Land Encroachment Act as notice issued under Section 7 of the Land Encroachment Act and give a reply to the same within a period of two weeks from the date of receipt of a copy of this Order. On such receipt of reply, the Third Respondent is directed to give an opportunity to the Petitioner and decide the issues on merits and on appreciation of evidence as per law within a period of eight weeks there of.



7.It is made clear that this Court has not given any positive direction in favour of the Petitioner and only based on the documents produced by the Petitioner to prove his case, the Respondents are directed to decide the issue and pass appropriate orders. The prayers in this Writ Petition are answered in the aforesaid manner. Till an enquiry is conducted and the order passed by the Third Respondent is served upon the Petitioner, no coercive steps shall be taken by the Respondents against the Petitioner.

8.With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Office of the District Collector,
Kancheepuram District,
Kancheepuram.

2.Revenue Divisional Officer,
Sriperumbudur Taluk,
Kancheepuram District.

3.Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District.

4.Revenue Inspector,
Thandalam Kuruvattam,
Sriperumbudur Taluk,
Kancheepuram District.

+1cc to the Government Pleader, S.R.No.33529

+1cc to Mr.K.Sakthivel, Advocate, S.R.No.36084 (13/08/2021)

W.P.No.14464 of 2021
and W.M.P.No.15351 of 2021

PCH(CO)
HS(06/08/2021)