



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.NO.18215 OF 2021
AND
W.M.P.NO.19442 OF 2021

Indirani

... Petitioner

.Vs.

1. The District Collector,
Chengelpet,
Chengelpet District.
2. The Revenue Division Officer,
Tambaram, Chengelpet,
Chengelpet District.
3. The Tahsildar,
Kovilambakkam,
Tambaram Taluk,
Chengelpet District.
4. The District Collector,
Kancheepuram,
Kancheepuram District.
5. The Revenue Division Officer,
Kancheepuram,
Kancheepuram District.
6. The Tahsildar,
Sholinganallur,
Kancheepuram District.
7. The Executive Engineer,
State Highways Integrated Chief Engineer Office,
HRS Campus,
No.76, Sardar Patel Road,
Guindy, Chennai.

... Respondents



PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondents from interfering with the possession and enjoyment of the petitioner with respect to the property comprised in S.No.123/1B, situated at Medavakkam Main Road, Kovilambakkam, Sholinganallur Taluk, Kancheepuram District now Chengelpet District.

For petitioner : Mr.R.RajaRajan

For respondents : Mr.T.N.C.Kaushik
Government Advocate

ORDER

(Order of the Court was made by K.KALYANASUNDARAM, J)

This Writ Petition is filed seeking for the issuance of a Writ of Mandamus forbearing the respondents from interfering with the possession and enjoyment of the petitioner with respect to the property comprised in S.No.123/1B, situated at Medavakkam Main Road, Kovilambakkam, Sholinganallur Taluk, Chengelpet District.

2. Mr.R.RajaRajan, learned counsel appearing for the petitioner would state that the petitioner's husband occupied and enjoyed the property admeasuring east to west 105 feet and north to south 45 feet, totally admeasuring to an extent of 4200 sq.ft comprised in S.No.123/1B of Kovilampakkam Village. The petitioner's husband and number of individuals have also occupied the poromboke lands at Kovilampakkam Village about six or seven decades back. It is further stated that the petitioner has put up construction and also regularly paying tax to the local body. She applied for issuance of patta and also filed the writ petition for the said purpose in W.P.No.18897 of 2014. Since the Highways Department interfered with her possession, another writ petition in W.P.No.27417 of 2017 was filed and it was disposed of on 03.03.2021. He would further argue that the respondents have failed to comply the directions issued in the above writ petition, but are interfering with the possession and enjoyment of the petitioner.

3. Mr.T.N.C.Kaushik, learned Government Advocate appearing for the respondents would state that as per the directions issued in W.P.No.27417 of 2017, the respondents initiated proceedings and issued notice under the Tamil Nadu Land



Encroachment Act, 1905. An order under Section 6 of the Land Encroachment Act has been passed on 22.09.2021. It is also served on the petitioner. It is his submission that the petitioner is having a statutory remedy before the first respondent and hence this writ petition is liable to be dismissed.

4. In reply, the learned counsel appearing for the petitioner would state that the Section 7 notice was not served on her, but the petitioner received the order under Section 6 of the Act and therefore submitted a reply to the respondents on 22.09.2021. The reply sent by the petitioner has been placed on record.

5. In the light of the above fact, the first respondent is hereby directed to treat the reply given by the petitioner dated 27.09.2021 as an appeal filed under Section 10 of the Land Encroachment Act and dispose of the appeal on merits in accordance with law, after providing opportunity to the personal hearing to the petitioner, within a period of thirty days from the date of receipt of a copy of this order. Till such time, the respondents shall not precipitate the matter.

6. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Chengelpet,
Chengelpet District.
2. The Revenue Division Officer,
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Chengelpet District.
3. The Tahsildar,
Kovilambakkam,
Tambaram Taluk,
Chengelpet District.



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State Highways Integrated Chief Engineer Office,
HRS Campus,
No.76, Sardar Patel Road,
Guindy, Chennai.

+1cc to Mr.R.RajaRajan, Advocate, S.R.No.51454

W.P.NO.18215 OF 2021

KG (CO)
PBS/02/11/2021