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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 26.08.2021

CORAM:

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

W.P. No.17592 of 2021  
and WMP.Nos.18718 and 18722 of 2021

P.Vadivelu

.. Petitioner

Versus

1. The Collector,  
Collectorate, Thiruvallur District,  
Thiruvallur.
2. The Tahsildar,  
Thiruthani Taluk,  
Thiruvallur District. Pin:631209.
3. The Commissioner,  
Thiruthani Municipality,  
Thiruthani, Thiruvallur District,  
Pin:631209.
4. The Revenue Inspector,  
Thiruthani Firk,  
Thiruthani Taluk Office,  
Thiruvallur District. Pin:631209.
5. The Village Administrative Officer,  
Nallanikunda Village,  
Thiruthani Taluk, Thiruvallur District,  
Pin:631209.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records made in the impugned notice dated 28.07.2021 issued by the 4th respondent in his proceedings Na.Ka.Pa.Ve:1006/2021/Aa1 and quash the same consequently direct the 3rd respondent to construct a drainage canal on both sides of the road at Rajiv Gandhi Nagar, Thiruthani Taluk and Town, Thiruvallur District.



For petitioner : Mr.P.Srinivasan  
For respondents  
for RR1, 2, 4 and 5 : Mr.K.V.Sanjeev Kumar,

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ORDER

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

The Writ Petition is heard through video conferencing.

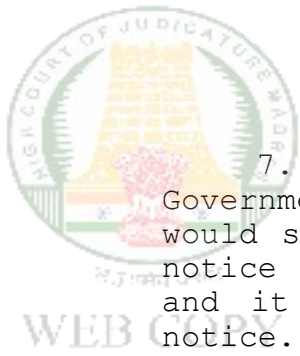
2. This Writ Petition has been filed to quash the impugned notice dated 28.07.2021 issued by the fourth respondent in his proceedings Na.Ka.Pa.Ve:1006/2021/Aa1 and consequently direct the third respondent to construct a drainage canal on both sides of the road at Rajiv Gandhi Nagar, Thiruthani Taluk and Town, Thiruvallur District.

3. The petitioner would state that the lands comprised in Survey Nos.353/2B, 353/3, 353/4A and 353/4B along with other Survey Numbers are situated at then Agoor Village, consequently renamed as Amirthapuram Mathura Nallanigunta Village, was developed in to a Housing Site called Rajiv Gandhi Nagar and there are 40 house site plots of various dimensions.

4. It is the case of the petitioner that one Mrs.S.B.Shanthi had purchased the western portion of plot No.29 measuring 1460 sq.ft. in Old Survey Nos.353/4A and 353/4B from one Mrs.Prabavathi, by a registered sale deed. The petitioner purchased the property from the said Shanthi and the same was registered as Document No.2042 of 2001 in SRO, Thiruthani. He would claim that he had applied for regularization of the plot No.29B and it was also approved by the third respondent vide order dated 29.01.2009. Thereafter, he applied for planning permission and after getting approval, he applied for Housing Loan with the State Bank of India and constructed a building. The petitioner would further state that he has obtained electricity connection and also paying property tax to the Local Body.

5. The grievance expressed by the petitioner is that the fourth respondent issued the impugned notice under Section 7 of the Tamil Nadu Land Encroachment Act alleging that he is in possession of the Government land.

6. Mr.R.Srinivasan, learned counsel appearing for the petitioner would state that even though the petitioner is entitled to give a reply to the impugned notice, the Writ Petition is filed on the ground that there is no drainage canal in that place and the impugned notice is ex-facie illegal and arbitrary.



7. Per contra, Mr.K.V.Sanjeev Kumar, learned State Government Counsel appearing for the respondents 1, 2, 4 and 5 would submit that this Writ Petition challenging the show cause notice issued under Section 7 of the Act is not maintainable and it is for the petitioner to give reply to the impugned notice.

8. Heard rival submissions made on either side and perused the materials available on record.

9. Considering the facts and circumstances of the case, and also the submissions of the learned counsels, we are hereby extend the time by two weeks to submit a reply to the notice issued by the fourth respondent. If any reply is given by the petitioner in the stipulated time, the respondents shall consider the same and pass orders in accordance with law, after providing opportunity to the necessary parties. Till then, the respondents are hereby directed to maintain status-quo as on date. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pvs

To

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+1CC to Mr.P.Srinivasan, Advocate, Sr.No.42976

W.P. No.17592 of 2021

KV (CO)  
K.RK. (22.09.2021)