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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2021

CORAM:

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

W.P. Nos.17792 and 17797 of 2021
and WMP.Nos.18982 & 18978 of 2021

Arumugam .. Petitioner in WP.No.17792 of 2021

Eswaran .. Petitioner in WP.No.17797 of 2021

Versus

1. The District Collector,
Namakkal District.
Namakkal.

2. The Tahsildar,
Kumarapalayam Taluk,
Namakkal District.

3. The Revenue Inspector,
Pallipalayam,
Namakkal District.

4. The Village Administrative Officer,
Elanthakuttai Village,
Veppadai,
Namakkal District.

.. Respondents in both the
petitions

PRAYERS: Writ Petitions filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the third respondent in Form III issued under Section 7 of the Tamil Nadu Land Encroachment Act 1905 dated 28.08.2020 and to quash the same as illegal, incompetent and ultravires and consequently direct the second respondent to grant patta in petitioner's favour for the land to an extent of 0.44 cents in S.No.306/1 in Elanthakuttai Village, Kumarapalayam Taluk, Namakkal District by considering their representation dated 15.07.2021 14.07.2021, respectively.



For petitioners : Mr.M.Guruprasad
For respondents : Mr.D.Ravichander

COMMON ORDER

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

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The Writ Petitions are heard through video conferencing.

2. These Writ Petitions have been filed challenging the notices issued under Section 7 of the Tamil Nadu Land Encroachment Act 1905.

3. It is the case of the petitioners that they have been in possession of the of land in Survey No.306/1 for more than 100 years and they have perfected title by way of adverse possession. The respondents instead of filing a suit within a period of 30 years as enumerated in Article 112 of the Limitation Act, has issued the impugned notice.

4. Mr.D.Ravichandran, learned Additional Government Pleader would state that admittedly the land has been classified as poramboke land and the respondents have authority to initiate proceedings under the Tamil Nadu Land Encroachment Act.

5. Heard the rival submissions and perused the materials available on record.

6. In the matter on hand, indisputably the petitioners have challenged the notice issued order Section 7 of the Tamil Nadu Land Encroachment Act. It is stated that the petitioners have already submitted reply for the said notice, but so far, no enquiry has been conducted by the second respondent.

7. In the light of the above facts, it is for the petitioners to participate in the enquiry to be conducted by the second respondent. After considering the case of the petitioners, the second respondent shall pass orders on merits and in accordance with law. Till then, the respondents are hereby directed to maintain status quo.

8. With the above directions, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



pvs

To

1. The District Collector,
Namakkal District.
Namakkal.
2. The Tahsildar,
Kumarapalayam Taluk,
Namakkal District.
3. The Revenue Inspector,
Pallipalayam,
Namakkal District.
4. The Village Administrative Officer,
Elanthakuttai Village,
Veppadai,
Namakkal District.

+2ccs to Mr.M.Guruprasad, Advocate, S.R.No.43984,43985

W.P. Nos.17792 and 17797 of 2021

GPL[co]
NSK 14/09/2021