

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.01.2021

Coram:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.19922 of 2020
and
W.M.P.No.24596 of 2020

Mr.Muthu, S/o Perumal .. Petitioner

Vs.

1. Special Officer, Mugaiyur Panchayat
& B.D.O,
Lathur (E) Pavunjur, Chengleput District-603 312.

2. Public Works Department,
Rep. by its Asst. Engineer,
Irrigation Division,
Water Resource Organisation,
Sadras, Kalpakkam,
Chengleput District-603 102. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records pertaining to the impugned notice Na.Ka.No.2284/2020/A2, dated 10.11.2020 issued by the first respondent to the petitioner and quash the same.

For petitioner : Mrs.Lita Srinivasan

For respondents : Mr.V.Jayaprakash Narayanan,
Govt. Pleader

ORDER

(The Order of the Court was made by R.Subbiah, J)

This Writ Petition has been filed seeking for issuance of a Writ of Certiorari to call for the records pertaining to the impugned notice in Na.Ka.No.2284/2020/A2, dated 10.11.2020 issued by the first respondent to the petitioner and quash the same.

2. The petitioner is in possession of the property comprised in Survey No.258/1 of 0.39.5 ares in Kuttai Poramboke and its parts in Mugaiyur Village, Cheyyur Taluk in Chengleput District. He is residing with his family and eking out her livelihood as daily wage labourer. Along with the petitioner, there are six other families which are living in the same Survey Number. The petitioner is in possession of the said property for over 40 years. They have also sought for Patta through Jamabandi. It is further stated by the petitioner that he had spent huge amount from their hard earned money to put up a dwelling house for their shelter. It is also stated by the petitioner that he is having proof of payment of taxes to the Mugaiyur Panchayat in respect of the above property and electricity service connection is also provided to their premises. It is also stated by the petitioner that there are unregistered sale deeds including one dated 30.10.1991 conveying title. The Panchayat had also issued approved plan on 19.07.2016 by which the present construction was done. It is further stated by the petitioner that in the month of November 2020, some officials from the office of the first respondent came to the petitioner's area and informed that they are going to evict the encroachers, including the petitioner and others who have encroached the land classified as Kuttai Poramboke. The first respondent served the impugned notice dated 10.11.2020 on the petitioner and other six families residing in the same survey number. To the said notice, the petitioner had submitted his representation/objection in writing on 20.11.2020.

3. When the Writ Petition is taken up for consideration, the learned Government Pleader appearing for the respondents submitted that the petitioner is an encroacher of Kuttai Poramboke land. Impugned notice was issued by the first respondent under Section 7 of the Tamil Nadu Land Encroachment Act. If any objection is given to the impugned notice, the same will be considered by the respondents and appropriate orders will be passed as per Section 6 of the Tamil Nadu Land Encroachment Act.

4. In view of the above submissions made by the learned Government Pleader appearing for the respondents, this Court is constrained to pass the following order:

The petitioner is directed to give a copy of the objections already said to have been given to the respondents, within one week from the date of receipt of a copy of this order and on receipt of the said objections, the respondents are directed to consider the same and pass appropriate orders on merits and in

accordance with law, within 15 days thereafter, after affording an opportunity of personal hearing to the petitioner.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, W.M.P. is closed.

Sd/-

Assistant Registrar (C.S.III)

/True Copy/

Sub Assistant Registrar

To

1. The Special Officer, Mugaiyur Panchayat
& B.D.O,
Lathur (E) Pavunjur, Chengleput District-603 312.
2. The Assistant Engineer, Public Works Department,
Irrigation Division,
Water Resource Organisation,
Sadras, Kalpakkam,
Chengleput District-603 102.

AKM/10.02.21 /3P-3C/

W.P.No.19922 of 2020
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